



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

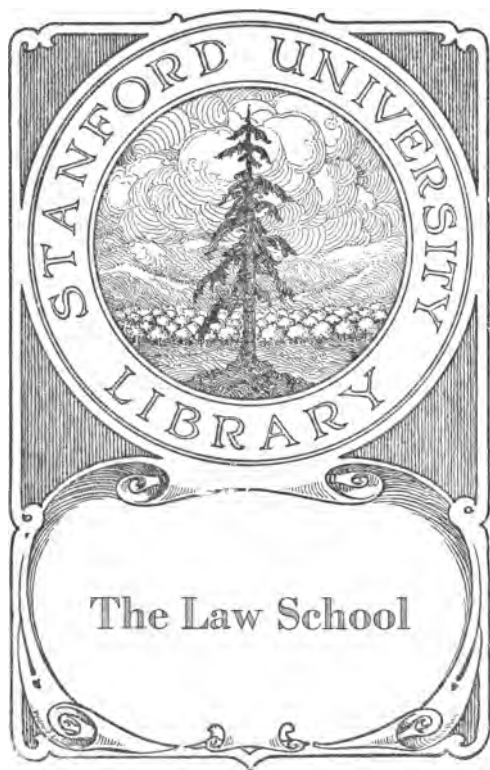
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

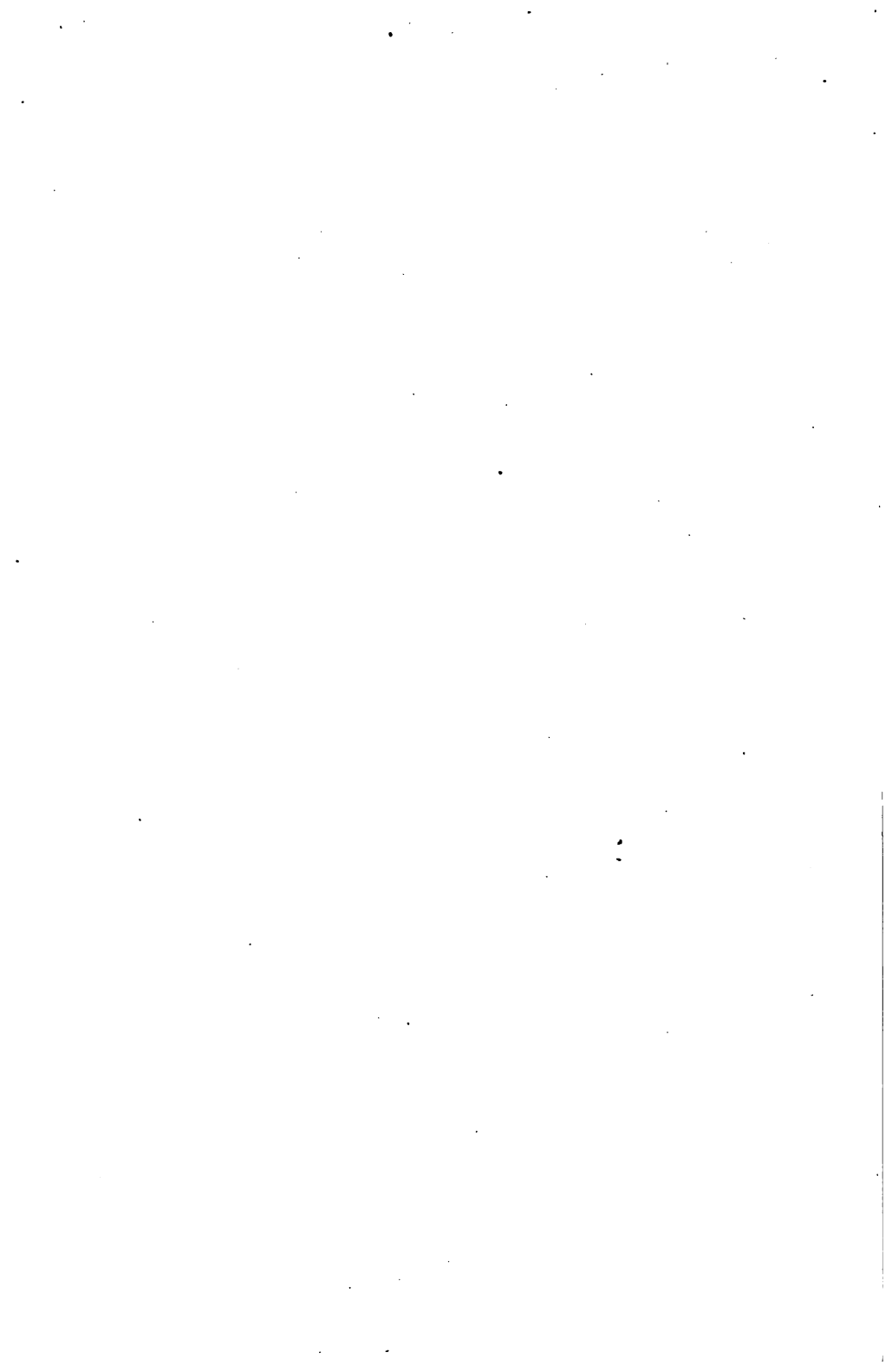
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

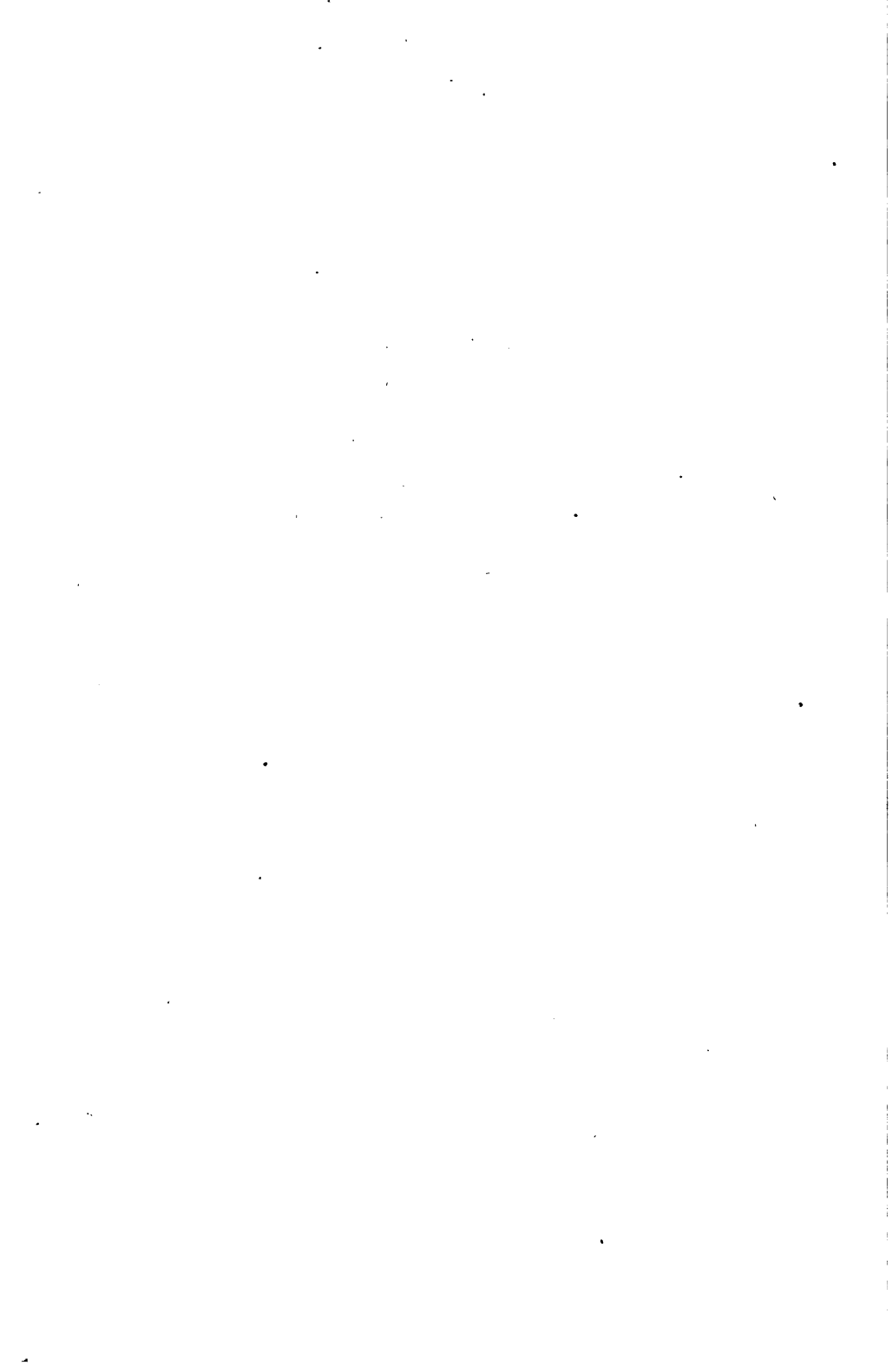












REPORT
OF THE
SIXTH ANNUAL MEETING
OF THE
North Carolina
BAR ASSOCIATION

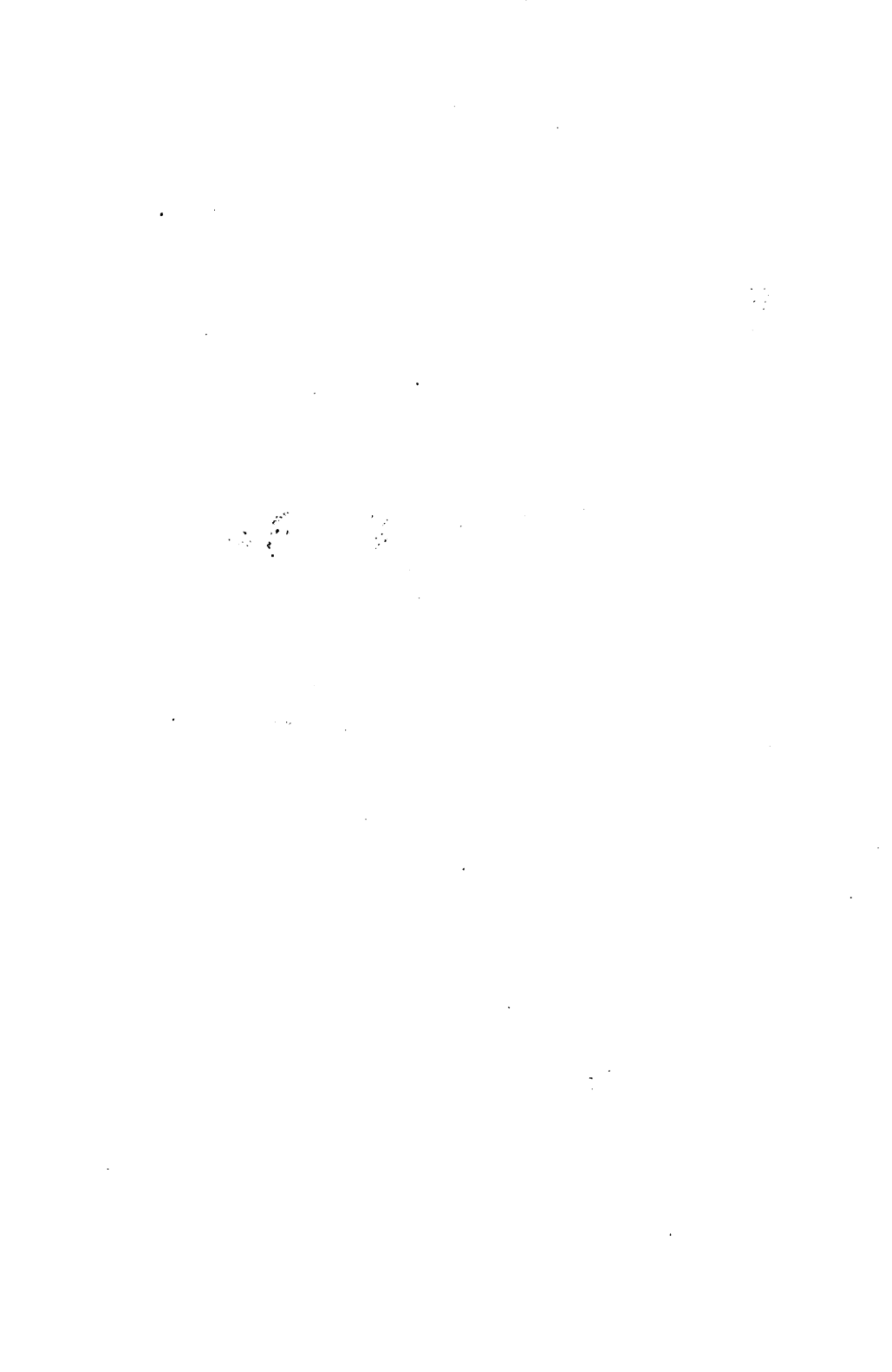
HELD AT
THE COLONIAL CLUB, CHARLOTTE, N. C.,
JUNE 20, 21, 22, 1904.

EDITED BY
J. CRAWFORD BIGGS, SECRETARY,
OF THE DURHAM BAR.

1904:
THE SEEMAN PRINTERY, PRINTERS AND BINDERS.
DURHAM, N. C.

341691

Y9A99L1 0907MAT2





HAMILTON C. JONES

PRESIDENT 1904

DIED AUGUST 22, 1904

PROCEEDINGS
OF THE
SIXTH ANNUAL MEETING
OF THE
North Carolina Bar Association,
HELD AT THE COLONIAL CLUB,
CHARLOTTE, N. C.,
June 20, 21, 22, 1904.

MONDAY, June 20, 1904.

The Sixth Annual Meeting of the North Carolina Bar Association convened at the Colonial Club in the City of Charlotte, Monday, June 20, 1904.

The Association was called to order at 8:30 o'clock, p. m., by Mr. F. A. Woodard, of Wilson, Chairman of the Executive Committee, who said :

Gentlemen of the North Carolina Bar Association, and Ladies:

I have the honor and pleasure as Chairman of the Executive Committee of the North Carolina Bar Association, to call to order this, the Sixth Annual Session of the Association. This pleasure is enhanced by the fact that we meet in the beautiful and historic city of Charlotte, the home of a Bar who, from the date of the organization of the Association to this good hour, has manifested an abiding interest in its growth and progress. From your number we selected our first president, now an honored member of our Supreme Court.

His able address has been the chart by which the Association

has advanced to its present prosperous condition and will be the inspiration for its future.

The Address of Welcome was prepared by a talented member of the Charlotte Bar—Mr. Chase Brenizer—and we share with him the sorrow of his home which prevents his presence tonight. I have the pleasure of introducing Mr. Smith, who will read the address prepared by Mr. Brenizer.

Mr. B. D. Smith then read the address of welcome.

(See the Appendix).

MR. F. A. WOODARD, of Wilson. With grateful appreciation of the splendid address of welcome, I now have the honor of presenting Judge Robert W. Winston, of the City of Durham, who will respond to the address on behalf of the Association.

Mr. Robt. W. Winston delivered his response.

(See the Appendix).

MR. WOODARD. I have the pleasure of introducing the President of the Association, Hon. W. D. Pruden, of Edenton.

MR. W. D. PRUDEN, of Edenton.

Members of the Bar Association, Ladies and Gentlemen:

I regret very much that I am unable upon this occasion to make a speech, which is expected and which the Constitution and By-Laws require. I have myself derived such great pleasure and profit, and with all, have received such high honors at the hands of this Association, that I should be glad to present to them such a speech as would show my appreciation of these honors, but because of my feeble condition for the last six months, that has been impossible, and I am here today with the understanding that I shall not be required to present any remarks upon this occasion. I am very happy to know that the Association will lose nothing on that account, judging from the speeches already made, and from my knowledge of those in store, I am sure we will be sufficiently entertained.

With these remarks, which I thought it proper to make, I pronounce this meeting open for the transaction of business.

Some of the Committees are required to be appointed tonight in order that the transaction of business may go on properly. The first committee that will be announced is the committee on the Nomination of Officers. Under our By-Laws, all the Officers except that of President and Secretary are selected by that Committee, and I will appoint upon that Committee: Messrs. L. H. Clement, of Salisbury; W. C. Maxwell, of Charlotte; B. G. Crisp, of Manteo; J. L. Fleming, of Greenville, and J. C. Martin, of Asheville.

Another Committee also is required by the By-Laws to be appointed tonight, the Committee on Publications. I name upon that Committee Messrs. Thos. S. Kenan, of Raleigh; W. C. Hammer, of Asheboro; T. W. Davis, of Wilmington.

THE PRESIDENT. The Committee on Admissions to Membership will make their report in order that the names of the newly elected members may be enrolled.

A MEMBER. Mr. President, I think the Committee is in session down stairs now.

THE PRESIDENT.

Gentlemen of the Bar Association, Ladies and Gentlemen:

We have with us tonight the Honorable Robert C. Strudwick, who for a number of years lived in another State, but has returned to his native State.

He will now address the Association.

Mr. Robert C. Strudwick then delivered his address.

(See the Appendix).

THE PRESIDENT. Is the Committee on Admissions to Membership ready to report?

MR. WALTER MURPHY, of Salisbury. The Committee on Admissions to Membership makes the following report.

(See the Report at the end of the Minutes).

THE PRESIDENT. Now, we would like to have the report of the Executive Committee.

MR. WOODARD. We will present that in the morning.

THE PRESIDENT. The Chairman of the Committee asks that they be allowed until morning to present their report. I take it there is no objection to this. The Chair is ready for any other business that may be suggested.

MR. B. G. CRISP, of Manteo. At Asheville year before last it was suggested by Mr. Busbee that a matter be referred to a Committee, or that a Committee be appointed. I have a very indistinct recollection of it. With reference to the admission of applicants for the practice of law, and I understand that there was to be an effort made to get the last Legislature to pass an act along this line. There was something said about it at the meeting at Morehead City last year, and I would like to inquire what is the present status of that matter? And, if necessary, I would like to make a motion that action be taken on it. While I cannot speak for the members of the Supreme Court, I have no doubt but that they would be glad to be relieved of their duties.

THE SECRETARY. The matter that Mr. Crisp refers to was referred to the Committee on Legislation and Law Reform at the last meeting of the Association. Judge Womack is the Chairman of that Committee. My information is that he will be here, and my suggestion is that it be postponed until he arrives. Mr. Manly is a member of that Committee.

MR. CRISP. I am perfectly willing for it to go over.

THE PRESIDENT. Unless there is objection the matter will go over until later.

MR. C. W. TILLET, of Charlotte. I have a resolution.

Resolved, That the North Carolina Bar Association does hereby recommend that the General Assembly of North Carolina enact a law in substance as follows:

"SECTION 1. A married woman may contract to the same extent, with like effect and in the same form as if unmarried,

and she and her separate estate shall be liable thereon, whether such contract relates to her separate business or estate or otherwise, and in no case shall a charge upon her separate estate be necessary.

"SEC. 2. Provided that this act shall not apply to any contract that shall be made between husband and wife.

"SEC 3. Justices of the Peace shall have jurisdiction of actions to enforce contracts of married women wherein the sum demanded does not exceed two hundred dollars (\$200).

I wish to have that referred to the proper committee.

THE PRESIDENT. The Committee on Legislation and Law Reform.

MR. TILLET. It may be that the members of the Bar Association have not read the able opinion of Mr. Justice Walker, in which it is held that a married woman may transfer her personal property. I would like to have that matter go before the Committee.

THE SECRETARY. I find there is only one member of the Committee on Legislation and Law Reform, to which you referred these matters, present at this time. The Committee is composed of Messrs. Womack, Manly, London, Rollins and McIntyre. It would be well to supplement that Committee.

MR. CLEMENT MANLY, of Winston. Mr. President, with reference to that Committee, Mr. Womack is not here tonight, but I presume he will get in tonight. That Committee has in charge several matters which were referred to it at our last annual meeting. There is now a Code Commission, who are preparing the Code for presentation to the next General Assembly. Mr. Womack is the Chairman of that Commission, so that whatever legislation is proposed to be effected, would be best discussed in this meeting, and presented to that Commission. I know that my brethren have some important questions which they would like to have presented: Exemption from Jury Service, and other matters pertaining to Jury Service. I think the matter ought to be taken up at this meeting of the Association. I merely rise to call your atten-

tion to the fact that the Code Commission is getting this work up, and we have now the opportunity of fixing our views in the Statute better than ever before. The next General Assembly will be the most important we have had for several years. I beg to call the gentlemen's attention to it, so that during the present meeting we can discuss these important questions.

THE PRESIDENT. Did Mr. Manly make a motion with respect to that?

MR. MANLY. No sir.

MR. CRISP. I have not read the Code Commission Statute. Have the Code Commissioners any special authority? Whatever is recommended by this Association will perhaps be enacted by the General Assembly.

THE PRESIDENT. The resolution will be referred to the Committee on Legislation and Law Reform, and that Committee will report tomorrow morning.

THE SECRETARY. Mr. President, I have a report here from the Committee on Legal Ethics. The report was prepared by Major Guthrie, the Chairman of the Committee. He did not submit it to the other members of the Committee because he expected to meet them here. They are not here and he is not—he is unavoidably detained. He asked me to present this report for him.

(See the Report at the end of the Minutes).

THE PRESIDENT. What will the Association do with the report of the Chairman of this Committee? Any motion with respect to it?

THE SECRETARY. I move that the report be received and filed.

THE PRESIDENT. It is moved that the report be received and filed, and if there is no objection, it will take that course; that is the usual course in such cases.

THE SECRETARY. I desire to make an announcement for the benefit of the members. If any member has any amend-

ment to the Constitution and By-Laws to offer at this session of the Association, it must be at the first meeting—tonight—under the Constitution. If any member has any amendment to propose, it cannot be offered except on the first day of the meeting.

THE PRESIDENT. Are there any standing Committees ready to make their reports tonight? If so, it is the proper time to present them. I have a letter from the Chairman of the Judiciary Committee, (Judge Shepherd) stating that there was no report to be made by his Committee. Judge MacRae, Chairman of the Committee of Legal Education, will be here tonight. The report of the Committee on Memorials will go over until tomorrow. The next meeting of the Association will be held tomorrow morning at 10:30, and at that time the address of Hon. Burton Smith will be delivered. We hope there will be a large attendance of the members and the ladies. Is there any other matter that any member would like to bring to the attention of the Association tonight?

MR. Z. V. WALSER, of Lexington. If there is no other business, I move that we adjourn.

The motion was seconded and the meeting adjourned.

SECOND DAY—MORNING SESSION.

TUESDAY, June 21, 1904.

THE PRESIDENT. The Association will be in order.

The first business is the report of the Secretary and Treasurer, which will now be read by Mr. Biggs.

(See the Report at the end of the Minutes).

THE PRESIDENT. The next business is the report of the Auditing Committee.

MR. A. A. HICKS, of Oxford. Mr. President, the Auditing Committee is ready to report.

(See the Report at the end of the Minutes).

THE PRESIDENT. What will you do with these reports, gentlemen?

A MEMBER. I move that they be received and printed in the proceedings.

A MEMBER. I second the motion.

THE PRESIDENT. It is moved and seconded that the reports be received and printed in the proceedings. All those in favor of that motion say "aye." The ayes have it. Is the Executive Committee prepared to report?

MR. Z. V. WALSER, of Lexington. Mr. President, the Executive Committee respectfully reports.

(See the Report at the end of the Minutes).

THE PRESIDENT. This report will be received and filed.

The next is the report of the Committee on Memorials. The Chairman is not here.

THE SECRETARY. I suggest that this matter go over until the evening session.

THE PRESIDENT. The suggestion will be adopted.

Gentlemen of the Bar Association, Ladies and Gentlemen:

We have with us today, as our guest, a distinguished citizen of Georgia, one who, by his life and labor, has added to the

fame and intellectual wealth of that State; a native North Carolinian who is proud to recognize North Carolina as his native State, and whom North Carolina is delighted today to honor. I am pleased to present to this body, and I am sure that you will be pleased to welcome here today, Honorable Burton Smith.

Mr. Smith then delivered his address.

(See the Appendix).

THE SECRETARY. There are one or two resolutions to go before the Committee on Legislation and Law Reform, and as several members of that Committee are absent, I move that the President be authorized to appoint two or more members on that Committee to act with those present, that they may have a full Committee—this is the desire of the Committee and I make that motion.

Motion seconded.

THE PRESIDENT. It is moved and seconded that in the absence of several members of the Committee on Legislation and Law Reform that the Chair appoint two or three persons to take the place of those absent. Those in favor of that resolution say "aye." Opposed, "no." The ayes have it. I appoint Messrs. C. W. Tillett and W. A. Dunn. I suggest that that Committee get together at once that they may pass upon those questions now before them. It is understood that the gentlemen just named will act with those already on that Committee.

MR. M. L. JOHN, of Laurinburg. Mr. President, I have a resolution that I would like to offer to that Committee.

RESOLUTION CONCERNING PUBLICATION OF SUPREME COURT
REPORTS.

Resolved, That the printing of the reports of the Supreme Court of North Carolina be placed in the hands of the Supreme Court, which shall have entire and exclusive control over the printing and publication of same, and that all contracts for the printing of said reports be made by the Court in the name of the State.

Resolved, That such legislation is recommended by the Bar Association to the Code Commissioners and through them to the General Assembly of North Carolina.

I understand that we are to have two volumes of the Supreme Court reports for the spring term, and there are only thirty pages of the first volume today printed, and yet we can send these reports to Minnesota and get them in two weeks, and it is a shame that we have to wait until August, September or October to get them.

MR. CLEMENT MANLY, of Winston. I offer the following resolution:

EXEMPTIONS FROM JURY SERVICE.

Resolved, That the exemptions from jury service allowed by the Code, Sections 1723, 2269, 2580 and 3281, and all acts amendatory of either of said sections and all other acts of the General Assembly allowing exemptions from jury service be repealed; that the Judge of the Court shall have the power, for grave and important reasons, to excuse any juror, but such reasons, with his findings of fact thereon, shall be put upon the minutes of the Court.

Resolved, That legislation as above set forth be suggested to the Code Commissioners and through them to the General Assembly.

THE PRESIDENT. What will the Association do with the resolutions?

MR. R. W. WINSTON, of Durham. I suggest they be referred to the Committee on Legislation and Law Reform.

THE PRESIDENT. Without objection, they will be referred to that Committee.

THE SECRETARY. I am requested by Mr. Manly to inquire whether Mr. Stephen W. McIntyre and Mr. H. A. London are here? If they are, they will please meet with the Committee.

A MEMBER. Mr. London is not here.

THE PRESIDENT. Is there any further report from the Committee on Admission to Membership? If so, now is the time for that report.

MR. WALTER MURPHY, of Salisbury. The Committee begs to report the following members elected in addition to those reported last night.

(See the Report at the end of the Minutes).

THE PRESIDENT. Their names will be handed to the Secretary and they will be enrolled. We will be glad to hear from the Committee on Legal Education.

MR. J. C. MACRAE, of Chapel Hill. We have no report to offer at this time. The Chairman of this Committee extended to certain gentlemen the hospitality of the seat of learning, and called a meeting to be held at the University, but they were busy gentlemen and unable to attend. I therefore take the liberty of reporting progress, and asking an extension of time for this report. We will have a meeting this afternoon, and may be able to make a supplemental report.

THE PRESIDENT. This Committee will take further time at the request of the Chairman. Gentlemen, I have a communication from Miss Daisy Denson, Secretary of Board of Public Charities, which I will ask the Secretary to read, and that it be referred to the proper Committee.

The Secretary read the communication.

THE PRESIDENT. Unless there is some other suggestion, this will be referred to the Committee on Legislation and Law Reform also.

THE SECRETARY. Mr. President, I have a communication from the American Bar Association, which I will read.

"The Universal Exposition, St. Louis, and the American Bar Association request that your Association will do them the honor to appoint representatives to attend the Universal Congress of Lawyers and Jurists, to be held in the City of St.

Louis, U. S. A., from September 28th to 30th inclusive, 1904, during the Universal Exposition, 1904.

AMERICAN BAR ASSOCIATION,

By JAMES MAGUMAN, President.

For the Universal Exposition,

DAVID R. FRANCES, President.

HOWARD J. ROGERS, Director of Congresses.

It is respectfully requested that at your earliest convenience the Director of Congresses be advised of the number and names of the delegates who will attend."

In that connection, I recently received a letter from the Secretary of the New York State Bar Association, which I will read.

Secretary then read this letter.

I will state, Mr. President, that this Congress of Lawyers immediately follows the meeting of the American Bar Association—the same week.

THE PRESIDENT. What will the Association do with the communications?

THE SECRETARY. The invitation, Mr. President, does not say how many delegates we shall select. I understand the custom is to select one from each Congressional District.

MR. EUGENE S. MARTIN, of Asheville. My understanding is that the State is entitled to one delegate for each electoral vote in the Presidential vote; one for each Senator and member of the House. I therefore move, Mr. President and Gentlemen of the Bar Association, that the President of this Association be elected one of the delegates to this Convention, and that he appoint eleven others to represent this Association.

Motion seconded.

MR. MARTIN. All who favor the motion will make it known by saying "aye." The ayes have it.

THE PRESIDENT. I will announce the delegates at a later date. Is the Committee on Legal Education ready to make its

report? Is the Committee on Legislation and Law Reform in the room? I believe they are out. I believe that completes the call of the Committees.

MR. T. C. GUTHRIE, of Charlotte. There will be a reception at the Southern Manufacturers' Club this evening from half-past six to eight o'clock, and all the members of the Association and all visiting lawyers and their families are most cordially invited to be present.

THE PRESIDENT. I am sure the Association will accept with much pleasure that invitation. I hope the members will not leave yet, as there are other matters for consideration.

THE SECRETARY. I have a matter to bring before the Association—return transportation. The tickets were issued on the certificate plan. They have to be countersigned by the Secretary of the Association, and the Railway Agent, and it is very important that this be attended to. Unless as many as fifty have these certificates, we cannot get the reduced return rate. I want to ascertain whether fifty have these certificates. Will those please hold up your hands who have certificates and let me find out how many have them?

THE PRESIDENT. The members will please present their certificates to the Secretary and have them certified, and those who haven't them now will present them later. Is the Committee on Legislation and Law Reform now ready to report?

MR. CLEMENT MANLY, of Winston. The Committee on this question consists of Messrs. Womack, London, Rollins, McIntyre and myself, and there is no gentleman present of that Committee except myself. There has been no meeting of the Committee before the appointment of these gentlemen, Mr. Tillett and Mr. Dunn, to consider some matters referred to the Committee, and we will be ready to report tonight. There is a matter referred to the Committee, upon the question of jury service, which I desire to present a report on and let the gentlemen discuss that matter if they desire, at this meeting.

EXEMPTIONS FROM JURY SERVICE.

Resolved, That the exemptions from jury service allowed by the Code, sections 1723, 2269, 2580 and 3281, and all acts amendatory of either of said sections and all other acts of the General Assembly allowing exemptions from jury service be repealed; that the Judge of the Court shall have the power, for grave and important reasons, to excuse any juror, but such reasons, with his findings of fact thereon, shall be put upon the minutes of the Court.

Resolved, That legislation as above set forth be suggested to the Code Commissioners and through them to the General Assembly.

The other matter connected with the jury service was with reference to challenges, and we recommend the following:

That in capital cases the State shall be allowed eight peremptory challenges and the defendant a like number.

THE PRESIDENT. What will the Association do with the report?

MR. L. M. BOURNE, of Asheville. I move that the resolutions and the report be adopted.

THE PRESIDENT. It is moved by Mr. Bourne that the resolutions and the report of Mr. Manly be adopted. Is that seconded?

Motion seconded.

THE PRESIDENT. The Association is ready for any discussion of the motion. Has any one any remarks to submit upon the matter? Is the Association ready for the question?

MR. B. B. WINBOURNE, of Murfreesboro. I suppose a motion to amend that would be in order. I move that that report be amended so as to give the State eight challenges, but leave the law for the defendant as it now stands; increase the challenges of the State.

MR. BOURNE. We did not hear the amendment over in this part of the hall.

THE PRESIDENT. The amendment is that the report of the Committee be amended so as to leave the law as it is with respect to challenges of the defendant, but to give the State eight challenges.

MR. C. F. WARREN, of Washington. I doubt the advisability of making so great a change, but I agree with that part of the resolutions repealing the exemptions as to jury duty, because our business men are inclined to shirk the performance of that duty, and we get a class of men that are not satisfactory to serve upon juries. But in the trial of capital cases, those who are "stood aside" by the State are rarely reached before the jury is complete, so that to all intents and purposes those who are stood aside have been peremptorily challenged, and I cannot think this change should be made. If there have in the past been miscarriages of justice, it is largely due to the class of men that compose the juries, and I doubt exceedingly the wisdom and propriety of this movement in regard to challenges of this kind.

MR. H. C. JONES, of Charlotte. Is it contemplated to determine this matter now?

THE PRESIDENT. It is now before the Association unless a motion is made to postpone it to some other time.

MR. JONES. The challenges in capital cases reduced to eight and the State to have a like number. I don't know why we should effect such a radical change in the law in that respect, unless the present procedure has resulted in inconvenience and wrong. I don't think it has. It strikes me that we all admit the fact there is very little fraud and corruption, and it looks to me like the prosecutor summoning the jury ought not to be put upon an equal basis with the defendant. The State has every advantage. The State summons the jury, through its officers, it presents the case to the Grand Jury, and has charge of the jury through their deliberations, and why should the defendant be put upon an exact footing with the State? I am in favor of leaving the law as it is. When you come to talk about the expenses of a capital case, then you get

upon dangerous ground. The defendant certainly ought to be put upon equal terms with the State. If you let the State furnish the jury, summon it—not only the regular panel, but the special venire—and then claim as many challenges as the defendant, he is not on equal terms.

MR. W. A. DUNN, of Scotland Neck. It will be observed that the resolution of the Committee looks to the improvement of the personnel of the jury, and when the quality of the jury is improved the desire to challenge will become less. There is no reason why any citizen should be excused from jury duty. Every active practitioner knows that the best quality of our citizens avoid jury duty. It is a common observation that whenever a man who is qualified to serve upon a jury is summoned, suddenly some member of his family becomes sick, or his business is very important, and thus the best character of our citizens are relieved from this duty. If every exemption is abolished and the citizen is required to perform his duty, we will not hear so much about challenges. It would be well to increase the number of jurors. It seems to me that our present system, where we largely depend upon by-standers is a bad system any way, so the number of jurors that are summoned should be increased, then when the County Commissioners discharge their duty, and there are no exemptions, and the very best class of citizens put in the jury box, and the number increased, then we will have no need for so many challenges. I have recently written an article upon this subject, which I expect to ask Judge MacRae to publish. We would have a jury sitting there to discharge jury duty, and when the jury is summoned for two or three weeks before the Court meets, they feel that they are a part of the Court, and the office becomes dignified. I think as to this matter of challenges—I think it is a needless waste of the time of the Court. I think if we reduced the number of challenges of the defendant to eight, that it might well remain as it is so far as the State is concerned, because all of us know—whether we admit it or not—that when we begin to make challenges we are not so much seeking to relieve ourselves of a man “unfit,” as to find a man who may be more favorable to our side of the case.

Improve the personnel of the jury, and then we are going to have fewer complaints of miscarriages of justice, and the only way to accomplish this is to put upon the jury the best class of our citizens. The men who grumble most about the miscarriage of justice have never served upon a jury. Just as the men who complain most of our nominations never attend our conventions. So to make the jury system perfect, we must compel the best class of citizens to serve upon the jury. Then Mr. Manly's resolution requiring the Judge when he excuses a man to put upon the minutes the cause for which he is excused will make our Judges more particular. In practicing before one of the best Judges of our Superior Courts, in every instance he swore the juror, and took his excuse, and had his excuse entered upon the records, and found as a fact that it was true.

MR. JONES. You don't obviate the necessity of challenging by getting men of character on the jury. You can get the best man in the country on the jury, but he may be particularly prejudiced against your client by reason of his peculiar views, or some other personal matter, and everybody might go in there and testify to the integrity of that man, and when you require him (the lawyer) to try a case involving the life of his client, and take a man on the jury upon somebody else's idea of integrity, you disarm the profession. I don't sympathize with this idea of eternal change in the law. I believe that our fore-fathers were as wise and good as we are, and I don't see any reason why there should arise this eternal dissatisfaction with the laws of the land. I can see a great benefit many times from giving the attorney a free hand in the selection of his jury.

MR. L. L. SMITH, of Gatesville. If the resolutions of the Committee are adopted, I think there ought to be an amendment. I don't think there is any objection to any part except as to the challenges. If this resolution is adopted, it ought to be with an amendment. I think that the challenges that the defendant is entitled to now, ought to remain upon our Statute Books. I think that would meet every requirement at present.

I don't think it would be safe to go any further. I think it ought to pass with that amendment. Colonel Jones pointed out to my satisfaction that it would leave the defendant at a disadvantage—considering that the State had charge of the matter entirely until it came before the jury.

MR. BOURNE. There seems to be no objection to the first resolution. I would like to move that the first resolution be adopted as to the repeal of the exemptions. We can have a vote on that and then proceed on the second recommendation.

THE PRESIDENT. Any remarks to be submitted on that motion? Will Mr. Manly please read the resolutions?

MR. MANLY. It is separately referred to the Committee, and if it is adopted by this body it will be reported to the Code Commission under separate resolutions. They amend entirely different parts of the Code. We desire to present both resolutions to the body. The first resolution is as follows:

The resolution set out above as to exemptions was then read.

MR. M. L. JOHN, of Laurinburg. At the last term of our Court, I had occasion to consult some of the amendments. As to ministers, they are excused by one of the sections of the Code.

MR. MANLY. I think it should be referred to the Code Commission with the recommendation that they incorporate it in the Code or present it to the General Assembly. They are authorized and requested to present legislation. It is their business to do it, and I am told by some of the gentlemen who know about that matter, that the present arrangement with regard to the printing of the Code leaves it so that the legislation of 1905 will go into it; that is a part of their contract with the printer, so that such legislation as is adopted by the General Assembly will go into the present Code.

THE PRESIDENT. You have heard, gentlemen, the first recommendation of the Committee, are you ready to vote upon that question now? Those who favor the adoption of that recommendation—

MR. R. W. WINSTON, of Durham. Mr. President, pardon me. I think beyond a doubt we ought to leave the physicians out. Summon the physicians and each time there would be an excuse. Every practicing physician has cases of such a character that he could not serve on a jury. We always feel like the physicians will do us good whether they do or not. He is a busy man and a physician on the jury would be a mistake. I really don't know whether we want preachers on the jury or not.

A MEMBER. Why?

MR. WINSTON. I decline to give a reason. I move as an amendment that physicians be exempted.

MR. MANLY. Mr. President, I fear if we once make an exemption, others will follow. The judge has the authority to take a good excuse. He would be excused and his excuse would be put upon the minutes as a public matter.

MR. JONES. That would be an exemption on personal application.

MR. MANLY. Yes.

MR. JONES. I am in favor of getting rid of the preachers.

MR. MANLY. They are the very people that ought to serve.

MR. JOHN. My peculiar situation for a number of years was such as to call to my mind that this would be a special hardship upon the physicians. No physician in my county could attend Court and make his report and be excused without being away from home a part of three days. He would have to leave home on Sunday, spend Monday in Lumberton and go home Tuesday morning. In the adjoining county, there are physicians who live from eighteen to thirty-two miles from the court house, and to require those men to go there and ask to be excused, and take the long drive and be away from their business is unnecessary, in my view. I think it would be a very great wrong to require them to attend Court to make their excuse.

MR. JONES. I don't think anybody should claim exemption on the ground of personal inconvenience. The rights of other people are involved with physicians. Many a time it would be criminal to take them away from the sick bed, and it is the rights of our people you have to consider in exempting physicians. It is not a ground of any personal inconvenience to a minister, but because he has important functions to discharge, and the exercise of these functions ought not to be hindered by dragging him into these controversies. This interferes with other people's rights. I still think they ought to be exempted.

MR. A. A. HICKS, of Oxford. I second the amendment. I think it would be interesting to go to the records and see the reasons the judge gave for excusing them. I think it would take ten pages of record to give the excuses the judge gave for excusing jurors, and I think that physicians and preachers should be excused, and that the judge ought not to be required to give his excuse. The Clerk not being a stenographer, it would take several hours to take down the several excuses.

MR. DUNN. It would not take all of that time if he did not excuse any.

MR. HICKS. I think it would take at least two pages of the docket each term to record the different reasons, and some of the reasons ought not to go on the record—every time some juror has to be excused.

MR. B. B. WINBOURNE, of Murfreesboro. Mr. Dunn is wrong about his county. There is no need for a great number of jurors in Halifax. Last March I was there, and in May I returned, and there were the same jurors. I inquired if they had been there since last March, and was told they had sat on every case.

MR. MANLY. Mr. President, I desire to say a few words. The idea of exempting anyone is to my mind putting the jury business exactly where by some strange fatality it has been driven. Instead of being considered an honor to serve on our juries, it is considered by many of our jurors to be a

disgrace. A man who is industrious, who lives in the country, hates to come to town and serve on a jury, and they get out of it in every way they can. Gentlemen, we are all lawyers, and as lawyers we honor the bench and many of us are striving to win reputations that will make us judges, and we call it an honor to preside in Court and decide the questions of law which come before a judge, but what are they, what are judges, in comparison to the twelve men in the box? As a matter of fact the position of juror is the most dignified position that God permits man to occupy. No judge can hang a man or take away his property. What has it become? You know! It is not necessary for me to annoy you by telling you. You see a lot of men sitting on a jury that should not try a dog. They sit around in the court room from time to time and are called on for political reasons, or because the sheriff likes them, and here is the great body of splendid North Carolinians at their business, disdaining to go into the court house and telling you they don't want to go and won't come. Gentlemen, I don't know whether it will violate a constitutional provision to strike down this exemption of military men and men in the service of the fire department, but I tell you the time has come to bring it to public notice that men are escaping jury service and then abusing the juries for discharging their duties poorly. I believe the jury system is the greatest system on earth, and why should a minister of the gospel be excused? They are honorable, learned and men of ability, and why should they be excused? They would lend a moral status to it. They would stop a great deal that we see go on in the court house every day. We, as people, are just as high or low as the jury. I respectfully submit these matters, gentlemen. I beg your pardon, but I just desire this matter presented to the Code Commission, and let them strike down these exemptions and enact a law that would compel commissioners to put them on the jury. If you excuse the ministers and doctors then you will get what classes in? Everybody will get out on the exemption. It may be a hardship in some cases, but some must suffer for the benefit of all. This is a great question, and we are trying to bring about a different system of jury service. I

agree with my distinguished friend from Mecklenburg upon anything he might say. I don't know why he wants a minister of the gospel excused? I think a great many of them would like to sit on a jury. I know counties where they never seek an excuse but sit on juries. I don't see why those who are pastors of charges in the cities should not sit on juries.

MR. JOHN. Does Mr. Manly believe that there is a Judge in North Carolina who would refuse to excuse a doctor in the practice of his profession from jury service?

MR. MANLY. I think not.

MR. JOHN. Then why should he be required to attend Court to say that he is a practicing physician?

MR. MANLY. The doctor who just says I am an active practitioner could go on the Grand Jury.

MR. JOHN. He cannot leave his practice to go to that Court to make his excuse without endangering some one's life.

MR. MANLY. He can come in afterwards and say he could not come. You need not be there on that day and give the excuse if you have a valid one. A physician at the bedside of his patient is not higher than the husband at the bedside of his wife. He gives that excuse.

MR. JOHN. That class of men who attend the bedside of dying women and children, ought we not to excuse them as a class? Why should we excuse ministers? Because a minister's influence in his church is often lost if he puts himself in a position of interfering with the business matters of the men in his community. We should not expect them to sit upon the value of a horse, or the possession of a cow and jeopardize their influence in their communities or counties.

THE PRESIDENT. As I understand it, the first section of the resolution has been amended as to ministers and physicians. To strike from the resolution that part of it which refuses exemption to ministers and physicians. Those who favor the adoption of that amendment say "aye." Opposed "no." You seem to be about equally divided. Those who favor the amendment rise.

MR. JONES. I am very much impressed with the argument made by Mr. Manly. I am not in favor of excepting physicians. I ask that the question be divided.

MR. SMITH. I move that the vote be taken separately.

A MEMBER. I second the motion.

THE PRESIDENT. Those who favor the vote as to physicians, rise and be counted. Those opposed will rise. The amendment is lost.

The amendment as to the exemption of ministers. Those in favor of this amendment will rise and be counted. Those who are opposed will rise and be counted. The amendment is carried.

The original resolution as amended is before the house. Those who favor the adoption of Mr. Manly's resolution with the amendment "excepting ministers," will say "aye." Opposed "no." The ayes have it.

MR. L. M. BOURNE, of Asheville. In regard to the proposed resolution relating to peremptory challenges in capital cases, I feel like hearing from the Association. We would derive great benefit by hearing from Mr. Manly. I was forcibly struck with the address which Mr. Manly delivered before the last meeting of this Association. I was profoundly impressed with his views. I don't think that the State of North Carolina in the prosecution of any man charged with crime because of the fact that it summons the Grand Jury, and that the Sheriff executes the process puts the man charged with crime at any disadvantage, and it seemed to me that the primary object of this amendment was to save the time of the Court and to prevent the maneuvering that we see carried on in the Court by the counsel for the defendant and the prosecuting officer. I think that it would probably be better to decrease the peremptory challenges of the defendant to twelve and increase those of the State to six. I think this would be better. This recommendation does not relate to challenges for cause, but is confined to peremptory challenges, so I hardly feel that the position taken by Colonel Jones is sound,—I have

a great horror for innovations—this is an age of progress and the legal profession is a part of it and we might as well recognize that fact. I feel a due regard for the old customs. I believe in a progressive conservatism. I don't think it is the province of the Court or the prosecuting officer to seek the conviction of a man innocent of crime. We have adopted the first recommendation, which, with one exception, repeals all exemptions as to jury service. The object of that was to improve the character of the jury; that being so, if the defendant is not guilty, he will be satisfied with fewer challenges. I don't think the profession or the people need notice the cry raised by some newspapers in regard to this matter, but I think we ought to recognize an evil when we see it, and ought to be the first to take steps to correct that evil. It seems to me that some such motion as proposed by Mr. Manly, and perhaps modified by the gentleman from Beaufort, is the proper course to pursue. I think it is to the interest of the profession. It is almost a public demand. You can hear people discussing it in every walk of life, and I believe that we should adopt some course more progressive than that we now have in Court.

MR. JONES FULLER, of Durham. Mr. President, I am sure a great many of the members would like to be here during this discussion, as it is very important. I suggest that this discussion be continued until this afternoon.

THE PRESIDENT. There is no meeting until tonight.

THE SECRETARY. I hope Mr. Fuller will withdraw his suggestion or motion. There are quite a number of members in the hall now, and we have much business to transact.

MR. FULLER. It was not with any idea of impatience. There are comparatively few of us here.

THE SECRETARY. There are sixty or seventy members present now.

MR. W. C. FREIMSTER, of Newton. Mr. President. It strikes me that this is a matter that ought to be weighed very carefully. It strikes me that owing to the number of capital

cases tried in this State, this is a matter that ought not to be interfered with. I think that we should argue the matter together. I am against the first suggestion for this reason: That the ten per cent. that the Solicitor can stand aside when there is 100, makes fourteen they can have, and if 200, twenty-four. That gives the State equal footing with the defendant in this case, and with the jury system properly purged by the commissioners in every county, and only such men called into the box as should be, then the regular jury that we have, will be men of character—so that any man would be willing to try before them, and if the Sheriffs will do their duty and only get men of character, the further thing we are driving at by the amendment will be accomplished, since we have passed the first recommendation of the Committee, and I wish ministers had not been excepted, but with the comparatively few capital cases that we have, it seems to me that this matter should stand where it is. I therefore move that it be tabled.

Motion withdrawn.

MR. MANLY. This matter was before the Committee, and they thought this was the best course. I know some of the older members of the profession remember their triumphs with twenty-three challenges. We are frank with each other when we say that we know we have seen men escape from the righteous verdict of the law by the fact that there were twenty-three challenges. It becomes almost a monarchy. Is it not true? We see it. It is before us. That is presented to the people and the people talk about it, and they say a lawyer can get him off, and they charge every species of corruption against him. A smart lawyer can take 100 men and get two or three men on there that like his client—I am speaking of lawyers who exercise their rights, and they are going to do the best they can for their client. The State is powerless. I see it; you see it; we see it every day of our lives. I am not and never have been a solicitor. I am not blood thirsty. I am speaking of it as I see it, practicing for the defense. My distinguished friend, (Col. Jones) says that there is a prisoner taken by the State and the State summons a jury, and has an

officer in charge of this jury. Gentlemen, it is his people, it is not the State. What is the State? North Carolinians. Who is the prisoner? A North Carolina citizen. This challenge of twenty-three was a proper allowance to the prisoner at a time when the State did have him in charge; when the State summoned men to convict him—the days of our ancestors. In this republic, gentlemen, the men who sit in the box are his friends. They are our kin people, and there is not a man taken up and tried in the court house that you don't see the the State challenge a man because he is akin to the prisoner. The dislike of innovation is in every mind. They say go slow about "landmarks!" That is all right.

A MEMBER. Have not the State and the defendant been on about an equal standing? Will it not give the State a marked advantage! Since the passage of the Acts of 1887 have they not been at arm's length?

MR. MANLY. You are bound to exhaust the original panel—the thirty-six men upon the original panel; you must exhaust all of them, so the State has to exhaust its peremptory challenges on the regular panel. The Court allows the solicitor to stand aside four men. They have to come back and he has to take his chances on them, that is the rule laid down in *State vs. Washington*, 89th and 90th N. C. Reports. Judge Avery tried that case.

A MEMBER. I would like to ask if the consumption of the time of the Court is not some consideration?

MR. MANLY. It is just a question to me of fairness to the prisoner; in the trial of a man for his life why should he have a position of advantage over the State? The State's counsel is no more than the defendant's counsel. He is equipped with lawyers and friends, he, having an advantage of twenty-three challenges, which enables him, you know what to do—not to get justice, not to get a fair trial, but to have a trial in his interest. That is so. We see it every day. What shall we do about it? Shall we say we will go on and give the twenty-three challenges? I assume that with the improved jury you

would find a great deal less of this. I think much will be accomplished by it. I thank you, gentlemen.

MR. H. C. JONES, of Charlotte. I don't desire to prolong this discussion, but I don't admit that there is a great injustice done by the defendant. There is no such thing as a miscarriage of justice. I understand how the newspapers or the populace who have set their heart on having some particular man convicted, and when a jury have sat upon the case and acquitted him, and the jury and judge have said that he is innocent, might in their anger call it a miscarriage of justice. I don't like this going out of the court house and saying "There is a miscarriage of justice." After the jury and judge are done with it, let's quit it and not join with the newspapers in their howl. I have pictured my friend who sits before me and when he was delivering that delightful address to us I thought of the time when North Carolina was our dear mother and we, her dutiful and affectionate children sat about her; we proud of her and she of us. That was the feeling my friend felt for the State of North Carolina when he was delivering that address. Take him when he comes down to the character in which he appears here. Beside him sits a poor devil of a client without a friend in the world except his lawyer, and behind him stands the State of North Carolina crying for his blood. The State selected the jury and it ought to give him some chance in dealing with it. You say the party who selected this jury is your affectionate mother. I see men, that I know if they get on this jury, will convict my man. He says my true mother is misled, and is represented by a Solicitor as fierce as a tiger, and as able as the ablest and he represents my true mother, and he is crying for my client's blood. That is the way I look at it. There is not a man here as old as I am who has not felt sore need in the case of one man against many. The lawyer standing there trying to defend his client is nearer his God than anywhere else, and this hampering him is not right. I don't want to see any man in the future arraigned by his true mother and represented by the ablest of solicitors, and denied the privilege of making his

selection of the jurors she selected, and denied more privileges than the State has. My friend, for whom I have so much affection, if I could for one minute believe that this thing has done a grievous and patent wrong, and resulted in a miscarriage of justice, I would say, yes, for who can refuse to redress a public wrong, but I respectfully submit that it has done more good in the past than it has done evil.

MR. L. T. HARTSELL, of Concord. It seems to me that the defendant ought to have some advantage over the State in the number of challenges. Why should not the defendant have some advantages when you come to consider the facts in the case? You take an able solicitor—the last speech is worth something. You take fifty per cent of the criminals, who are not able to employ an attorney. His Honor generally assigns some young lawyer to defend them. There he is confronted by the able solicitor. His client does not stand much chance. If you put the State and the defendant on an equal basis otherwise, and an inexperienced attorney defending the man, and an able solicitor prosecuting him and the last speech besides, that is giving the State of North Carolina the advantage over its citizens. I had a chance to vote against this once, and I would vote against it again. This has been defeated by almost every Legislature. It is always defeated. There must be some reason for its defeat. It is not defeated merely by the lawyers in the Legislature, but by the common people. They realize that the defendant ought to have the advantage, and to give them an equal number of challenges with an able solicitor on one side and an inexperienced lawyer on the other, who is assigned on the spur of the moment, who cannot cope with the solicitor, and if there is any advantage, the defendant ought to have it. I don't think that the defendant has any great amount of advantage, if any at all, because the mere matter of the standing aside makes them almost, and with the last speech, I think, makes them entirely equal.

MR. JOHN. It strikes me that we have inherited this practice from an age where everything else has become history. Two men have a fight; one went to his long home. The law

closed the mouth of the other, but gave him in lieu of that twenty-three peremptory challenges, but when the Legislature changed that and allowed him to testify, they did not consider the other matters. I think we have arrived at a time when we are almost able to accept a change in the number of peremptory challenges for the defendant. I would like to give eight challenges to the State, and I would like to move as a substitute that the defendant be allowed twelve challenges instead of eight, and the mere fact that this has been a time-honored custom, and we have grown up with it, is nothing in its favor. We can see we are bound by precedent. Let us see how this precedent has come to us and let us recognize the fact that there must be a change sooner or later.

THE PRESIDENT. I understand Mr. John to offer as a substitute or amendment of the original resolution, that the defendant be given twelve challenges instead of the number provided by the resolution.

MR. J. W. GRAHAM, of Hillsboro. I don't think we can agree. I offer as an amendment that six be given to the State and fifteen to the defendant, and that we have no standing aside, and no man allowed to serve who says, notwithstanding his opinion of the guilt of the defendant, he could give him a fair trial.

MR. JOHN. I will accept that.

• THE PRESIDENT. The original resolution is before the house, and a substitute of six to the State and fifteen to the defendant—and no standing aside at all.

MR. C. F. WARREN, of Washington. If the object of that is to put the State and the defendant on more equal terms, it seems to me that it puts the State at a greater disadvantage than before.

MR. MANLY. We don't want to put the State at any greater disadvantage than it is now.

MR. J. CRAWFORD BIGGS, of Durham. It seems to me that the amendment Major Graham has proposed would be giving

the defendant a greater advantage than he now has. In my opinion the State and the defendant are on about equal terms. I don't think we ought to put them eight and eight. They are near enough on equal terms. In order to get the sense of this meeting, I propose to let the law remain as it is, and I move that the matter be tabled.

Motion seconded.

THE PRESIDENT. Those in favor of that motion say "aye." Opposed, "no." The ayes have it.

The meeting then adjourned until 8:30 o'clock p. m.

SECOND DAY—EVENING SESSION.

TUESDAY, June 21, 1904.

THE SECRETARY. The Committee on Admissions to Membership have elected, since the report this morning, several members and submit the following report.

(See the Report at the end of the Minutes).

THE PRESIDENT. These names will be enrolled.

THE SECRETARY. Mr. C. W. Tillett, who is unable to be here tonight by reason of illness in his family, requests me to read the report of the Committee on the Publication of a Law Journal.

(See the Report at the end of the Minutes).

THE PRESIDENT. What will the Association do with the report of the Committee on the Publication of a Law Journal submitted by its Chairman, Mr. Tillett?

THE SECRETARY. I move that it be received, filed and approved.

Motion seconded.

THE PRESIDENT. Those in favor of that motion, make it known by saying "aye." The ayes have it.

Any further report from the Committee on Legislation and Law Reform?

THE SECRETARY. This report was received by me today from Mr. James H. Pou, who forwarded it at the request of Judge Womack, the Chairman of the Committee on Legislation and Law Reform, who was unavoidably kept away from Raleigh and this meeting. I will read the report.

(See the Report at the end of the Minutes).

THE PRESIDENT. Is there any further report from that Committee upon the matters referred to them today?

MR. CLEMENT MANLY, of Winston. Did I understand you to call for a further report from this Committee? The Com-

mittee desires to call the attention of the Association to the following matter. The resolution concerning the publication of the Supreme Court Reports is as follows :

Resolved, That the printing of the Reports of the Supreme Court of North Carolina be placed in the hands of the Supreme Court, which shall have entire and exclusive control over the printing and publication of same, and that all contracts for the printing of said Reports be made by the Court in the name of the State.

Resolved, That such legislation is recommended by the Bar Association to the Code Commissioners, and through them to the General Assembly of North Carolina.

That takes it out of the hands of the Committee, and puts it in the hands of the Supreme Court. We respectfully present this resolution to this body for their action.

THE SECRETARY. Mr. President, Mr. Tillett also left with me a part of the report of the Committee on Legislation and Law Reform with reference to the contracts of married women as follows :

Resolved, That the North Carolina Bar Association does hereby recommend that the General Assembly of North Carolina enact a law in substance as follows:

"SECTION 1. A married woman may contract to the same extent, with like effect and in the same form as if unmarried, and she and her separate estate shall be liable thereon, whether such contract relates to her separate business or estate or otherwise, and in no case shall a charge upon her separate estate be necessary.

"SEC. 2. Provided that this act shall not apply to any contract that shall be made between husband and wife.

"SEC. 3. Justices of the Peace shall have jurisdiction of actions to enforce contracts of married women wherein the sum demanded does not exceed two hundred dollars (\$200).

THE PRESIDENT. The reading of these reports has been called for in order that members might have the reports before them for consideration. We have an address tonight from

Mr. Martin, and I take it that this is the best time for that address to be delivered. I now introduce to the Association Mr. J. C. Martin, of Asheville, who is well known to you.

Mr. Martin then delivered his address.

(See the Appendix).

THE PRESIDENT. The matters read by the Secretary just before Mr. Martin's address are now before the house. What will you do with them?

MR. L. H. CLEMENT, of Salisbury. Mr. President, I have a report from the Committee appointed at the beginning of the session on the election of officers. There were two sets of officers that this Committee had the authority to elect—members of the Executive Committee and the Vice-Presidents from the sixteen Judicial Districts. I therefore offer this report.

(See the Report at the end of the Minutes).

THE PRESIDENT. What will be done with the report?

MR. J. C. MACRAE, of Chapel Hill. I move its adoption.

THE PRESIDENT. Those in favor of its adoption will say "aye." The ayes have it.

MR. Z. V. WALSER, of Lexington. Mr. President, please pardon me, but I have a report to make. A supplemental report of the Executive Committee—about members who are three years in arrears. Mr. Biggs suggests, and with the consent of Mr. Woodard I would suggest, that it be made four years instead of three. Mr. Woodard gives his assent to it and it is so changed.

(See the Report at the end of the Minutes).

THE PRESIDENT. What is the pleasure of the Association with regard to this report?

A MEMBER. I move its adoption.

Motion seconded and it is adopted.

THE PRESIDENT. The next business in order is the election of a President and Secretary for the ensuing year. That is a

duty to be performed by this body. The Chair is ready to hear any nominations for officers of the Association for the ensuing year; two officers are required to be elected by the ballots of this Association.

MR. MARTIN. Are they elected by ballot only?

THE PRESIDENT. I have not looked at the By-Laws myself.

MR. B. B. WINBOURNE, of Murfreesboro. It gives me great pleasure to place in nomination before this body a distinguished gentleman of this city—I think one of the oldest members of the Bar in this part of the State, Mr. H. C. Jones, for president of the Association.

MR. A. C. AVERY, of Morganton. It affords me great pleasure, sir, to second that nomination. Mr. Jones needs no eulogy, as he is known to every member of the Bar in North Carolina as one of the ablest lawyers in the State.

THE PRESIDENT. Are there other nomination?

MR. CLEMENT MANLY, of Winston. Mr. President. I don't know whether there are any other nominations, but there is another second to that nomination. We desire to second it from our section of the country. He has won great reputation, is a great lawyer and a splendid gentleman—the model of a man—among the most eminent gentlemen of the State. He would be a worthy successor of yourself, and that is as much as I can say.

MR. L. L. SMITH, of Gatesville. I move that the Secretary be requested to cast the ballot of the Association for Col. H. C. Jones, as president of the Association for the ensuing year.

Motion seconded.

THE PRESIDENT. It is moved and seconded that the Secretary cast the ballot of the Association for Col. H. C. Jones for President of the Association for the ensuing year. Those who favor that will say "aye." It is not necessary to put the other side.

THE SECRETARY. The Secretary takes great pleasure in

casting the unanimous vote of this Association for Col. H. C. Jones for President of the Association for the ensuing year.

MR. H. C. JONES, of Charlotte. This election is entirely unexpected to me; in fact, I had set my heart on having two of my brethren here, and among them was my friend, Mr. Manly, and another equally worthy. I hardly know—I don't suppose there is any such thing as a member of this Association declining this honor. I don't think it was ever thought of. I know of no honor that could come to a lawyer superior to this, and I speak for myself, there is no honor that could be conferred upon me by any class of our citizens, or all of them, that I would appreciate more than this unexpected honor that has been conferred upon me. The great pleasure of my life has been association with my brethren of the Bar. From the commencement of my professional career, my association with the members of the Bar of the State has been the real delight of my life. I was touched with the remarks made by Judge Winston last night. I can say that in the long practice that I have had that I have never received any unkind cut from any member of the Bar; I have never received any injustice from any member of the Bar. There is today nothing rankling in my heart growing out of my Association with them, and it goes without saying that a compliment coming from a body of men that I hold in such esteem is greatly esteemed. I know not what I can say more than that. I can't express in words my gratitude at this unsought compliment that the Bar has conferred upon me, and I heartily thank the members of this Association.

THE PRESIDENT. The next officer to be elected is the Secretary for the ensuing year. We are ready for nominations.

MR. J. C. MACRAE, of Chapel Hill. I take pleasure in suggesting the name of the gentlemen who has so faithfully occupied this office since the organization of this Association and without whom it would be almost impossible to get along, Mr. J. Crawford Biggs.

MR. M. L. JOHN, of Louisburg. I second the nomination

and move that the Assistant Secretary be instructed to cast the unanimous vote of the Association for Mr. Biggs for Secretary for the ensuing year.

THE PRESIDENT. I take the liberty of relieving the young lady of this duty, although I am sure it would be very pleasant, and I cast the entire vote of the Association for Secretary for the ensuing year in favor of Mr. Biggs.

THE SECRETARY. I have this resolution which I desire to offer:

Resolved, That the Treasurer be directed to pay annually to the members of the Executive Committee their actual expenses incurred in attending their annual meeting provided for in Article III of the By-laws.

In explanation of this, I beg to state, that the Constitution provides that the Executive Committee shall meet to arrange a programme, select the date of the meeting and invite the speakers, etc., and after conferring with the members, they think it nothing but right that these gentlemen should be paid the actual expenses of attendance upon that meeting.

THE PRESIDENT. Does the resolution receive a second?

A MEMBER. Yes sir.

THE PRESIDENT. Those in favor of that resolution say "aye." The ayes have it. We have the unfinished matters to which your attention was called before the speech of Mr. Martin.

MR. MANLY. Shall we take up the matters suggested by the Committee on Law Reform? Concerning the publication of the Supreme Court Reports. I would like to have the resolution read again.

Resolution is read.

THE PRESIDENT. Gentlemen, you have heard the resolution—is there any discussion to be had upon it?

MR. M. L. JOHN, of Laurinburg. I suppose discussion is hardly necessary. I simply repeat what I said this morning.

I understand that we are to have two volumes of the reports, and there are about thirty pages of these reports now in print, and by putting them in the hands of the Supreme Court we can facilitate this matter, and as has been suggested, the Bar will have some where to lay the responsibility, if we don't get them.

MR. Z. V. WALSER, of Lexington. There are about 300 pages of the 134th in print now. In defense of our public printer, it is impossible for him to get these reports out as rapidly as the State wants them and is entitled to them. He cannot do this to the exclusion of the other State work which he does—there are a great many departments of State work. I know the lawyers want their work and want it rapidly.

THE PRESIDENT. Are you ready for the question? Those who favor the adoption of the resolution read by Mr. Manly say "aye." The ayes have it.

MR. CLEMENT MANLY, of Winston. The next matter, Mr. President, is the matter read by Mr. Biggs and presented by Mr. Tillett upon the question of married women and their rights. Mr. President, I ask that the resolution be read again.

Resolution was read by Secretary.

THE PRESIDENT. The Chair is ready to hear any discussion upon that proposition.

MR. M. L. JOHN, of Laurinburg. I would not dare rise to discuss that question. It has been discussed and "cussed" a great deal, and I have no idea that anybody here is going to have his mind changed by any argument that may be made. Therefore I move the adoption of the resolution.

MR. BIGGS. I second the motion.

MR. R. A. NUNN, of New Bern. I should like to hear some of the older lawyers discuss what protection is left to a married woman. I think there ought to be some protection for married women and would like to hear it discussed.

MR. J. CRAWFORD BIGGS, of Durham. I don't think that I am very well qualified to discuss the rights of *married*

women. I have not prepared any discussion of this question or any speech upon it. I had expected that Mr. Tillett would present the matter to the Association, but Mr. Tillett unfortunately is detained tonight by illness in his family and cannot be here. As I understand the matter, this is a copy of the New York Statute, which has been in force in that State for forty or forty-five years, and has worked, so I am informed, admirably in New York. The effect of this Statute is to repeal Section 1826 of the Code, which provides that no married woman can make a contract, except for necessary expenses, or for the support of her family or to pay antenuptial debts, unless she is a free trader. I do not recall the exact language of that section. She can make no contract except in certain cases, and the Supreme Court has construed that in no case can a married woman, unless she be a free trader, make a contract in North Carolina, but only an obligation which is enforceable by a charge in equity. I understand that the Supreme Court in the past few weeks has handed down a decision upon the question of a married woman's rights. They have held that she may dispose of her personal property without the joinder of the husband. The purpose of this resolution is to put a married woman upon the same footing as an unmarried woman. If she does not pay for a bill of goods, the creditor may bring an action upon her contract and get judgment against her. I am not in a position to discuss the matter as I would like to; I have not investigated it or read the opinion of the Supreme Court. I have never been in sympathy with the decisions of our Court, in which it is held that she cannot make a contract. I think that the reason these decisions were made was because the Judges, who were on the bench at the time this Statute was construed, had practiced under the law before the Constitution of 1868. You are familiar with the section of the Constitution which says that the married woman's estate shall remain her own and separate property. You know there was some doubt in our State for a number of years as to what the construction of that section of the Constitution was; as to whether she could make a will and deprive her husband of the right of tenant by courtesy. I recall when I was before the Court for

examination for law license, Judge Avery asked if a married woman could make a will and deprive her husband of his rights in her real property. We, who had studied at the University, said she could not, because the Statute said no; and his students said yes, because the Constitution said she could. I think with this Statute the rights of married women will be simplified in North Carolina. I hope the resolution will pass.

MR. J. C. MARTIN, of Asheville. Will that amendment enable a married woman to convey her real estate without the joinder of the husband?

MR. BIGGS. This resolution will not effect the conveying of her real estate, because the Constitution provides she cannot convey without the consent of her husband.

MR. H. C. JONES, of Charlotte. Would it not be doing the same thing by getting a judgment against her property? I don't know but what I am in favor of the motion.

MR. BIGGS. Of course that question has been very thoroughly discussed by Judge Clark in a number of opinions he has written on this question. The effect, I think, would be to subject her real property to the burden of her contract, if she made the contract.

MR. JONES. It seems to me that this is just in line with the rational conclusion of the Constitution in this case. I always appreciate the caution and conservatism of the Court in throwing this protection around married women, but it struck me as straining the Constitution, but I think we are just coming back to the true and logical construction of the original intent.

MR. A. C. AVERY, of Morganton. It is too late to discuss a question of this importance; it is nearly 11 o'clock. I find that I differ from most of my brethren. I am very much inclined to accord the women political rights. I believe there would be better government if the women voted, but at the same time, I am not willing to change a time-honored law and withdraw what has been esteemed as a protection to women. I have seen too much of the good that has been done to women and to families by not allowing them to subject themselves to

liability. If there is any woman in North Carolina anxious to take care of her personal property and manage it independently, provision is made for that, and she can become a free trader and subject all of her personal property. There is a way provided by the Statute and the Constitution still protects her; it protects the husband and wife both. The husband's estate cannot be alienated without her privy examination, and her estate cannot be thrown away without the husband's consent. I think this law is very well, and I am slow to endorse the recommendation to incorporate any change in the Code. My experience has been that 11 o'clock resolutions are rarely ever wise, and I move to postpone indefinitely the decision on this question.

Motion seconded.

THE PRESIDENT. It is moved and seconded that the consideration of the resolution just offered be indefinitely postponed. Those in favor of this say "aye." Opposed "no." The ayes seem to have it. Division is called for. Those who favor its postponement rise and be counted. Those opposed will rise and be counted. The ayes have it.

THE SECRETARY. I have read the report submitted by Judge Womack recommending that the Legislature be "memorialized" to pass a Statute authorizing the Supreme Court to appoint a Board of Law Examiners to consist of five, upon the recommendation of this Association.

MR. J. W. GRAHAM, of Hillsboro. I move that that resolution be postponed until the next annual meeting.

THE SECRETARY. This matter was put off at the meeting at Morehead, and it has been before the Association for one year, and it seems to me that we ought to dispose of it.

THE PRESIDENT. The motion of Major Graham is not debatable. Those who favor it say "aye." Opposed "no." The ayes seem to have it. Those who favor the postponement of the resolution will rise and be counted. The motion to postpone prevails. Any other resolution?

THE SECRETARY. There is one matter that I would like to bring up, and that is this: the Committee on Memorials seems

not to have prepared any memorials upon our deceased brother Moore and Judge Simonton, and I move that this Committee be given further time, and that these memorials be prepared and printed in the proceedings of this meeting.

Motion seconded and carried.

MR. J. C. MARTIN, of Asheville. I wish to move and do move that a Committee be appointed to report at the next meeting of this Bar Association ways and means for increasing the membership of the Association, by adding thereto such members of the Bar as we desire to have associated with us—I suggest a Committee of three.

MR. A. C. AVERY, of Morganton. Invite men to come in! In going into the high-ways and by-ways of the profession, I hope there will be some way to determine whether the man invited is worthy of the invitation. It is contemplated at present that the Committee shall examine his standing in the community, and see whether he is a proper member.

MR. MARTIN. I would not suggest the idea of extending an invitation to men not worthy to join the Association, but I notice a great many lawyers in North Carolina—men of high character and standing—who do not belong to the Association, and I would like to see all members of high standing in the profession members of the Association.

MR. J. CRAWFORD BIGGS, of Durham. I believe that we have a larger per cent of the members of the Bar of North Carolina enrolled as members of our Association than in any State in the Union. We have about one-half. Go to many of the leading places in North Carolina, nearly every large town in North Carolina, and there is hardly a prominent member of the bar, not a member of this Association. I don't think we can expect to have more than four hundred members of the Bar Association with not more than eight hundred lawyers practicing in North Carolina. We have had one or two plans proposed. There are some men who ought to be with us who are not. There is no way except where a good man is not a member, just to suggest that he join, and if he does not accept the invitation—

MR. J. C. MARTIN, of Asheville. Mr. President, I will withdraw my resolution.

THE SECRETARY. I have the following resolution to offer :

Resolved, That the thanks of the Association are hereby extended to the Colonial Club and the Southern Manufacturers Club and the 4C's for the many courtesies shown us during our delightful visit to Charlotte.

THE PRESIDENT. Gentlemen, all who are in favor of that motion, will please rise. •

Unanimously carried.

THE SECRETARY. Mr. President, I wish to offer a further resolution: That the Association extend to the press of the city of Charlotte its thanks for the very admirable report and accounts of this meeting which they have given us during our stay here.

THE PRESIDENT. It is moved by Mr. Biggs that the press be incorporated in the original resolution offered by him. Those in favor of that say "aye." The ayes have it.

THE SECRETARY. I suggest that we adjourn to meet tomorrow morning at 8:30 o'clock.

THE PRESIDENT. I think that is important. At Morehead, we omitted some very important matters.

Motion seconded and carried.

MR. T. W. DAVIS, of Wilmington. I want to make a motion that the cartoons which came out in the *Chronicle* this afternoon be incorporated in the minutes of this meeting—especially that of Mr. Biggs. (Laughter).

MR. WALSER. I suggest that we find out whether or no we will be in contempt for that proceeding.

THE PRESIDENT. Any further matter before the Association to-night? If not, a motion to adjourn will be in order.

Motion to adjourn and meet at 8:30 o'clock tomorrow morning.

Motion carried.

THIRD DAY—MORNING SESSION.

WEDNESDAY, June 22, 1904.

The Association was called to order at 8:30 o'clock a. m., by the President.

MR. L. L. SMITH, of Gatesville. Mr. President, I move to reconsider the action taken last night on the motion of Judge Avery concerning the resolution relating to the contracts of married women, for the purpose of moving this morning that the consideration of the question then under discussion be postponed to the next annual meeting instead of being postponed indefinitely.

A MEMBER. I second the motion.

THE PRESIDENT. Those in favor of the motion, will say "aye." Those opposed "no." The ayes have it and the motion to reconsider is carried.

MR. SMITH. I move to postpone the consideration of the resolution offered by Mr. Tillett in regard to the contracts of married women until the next meeting.

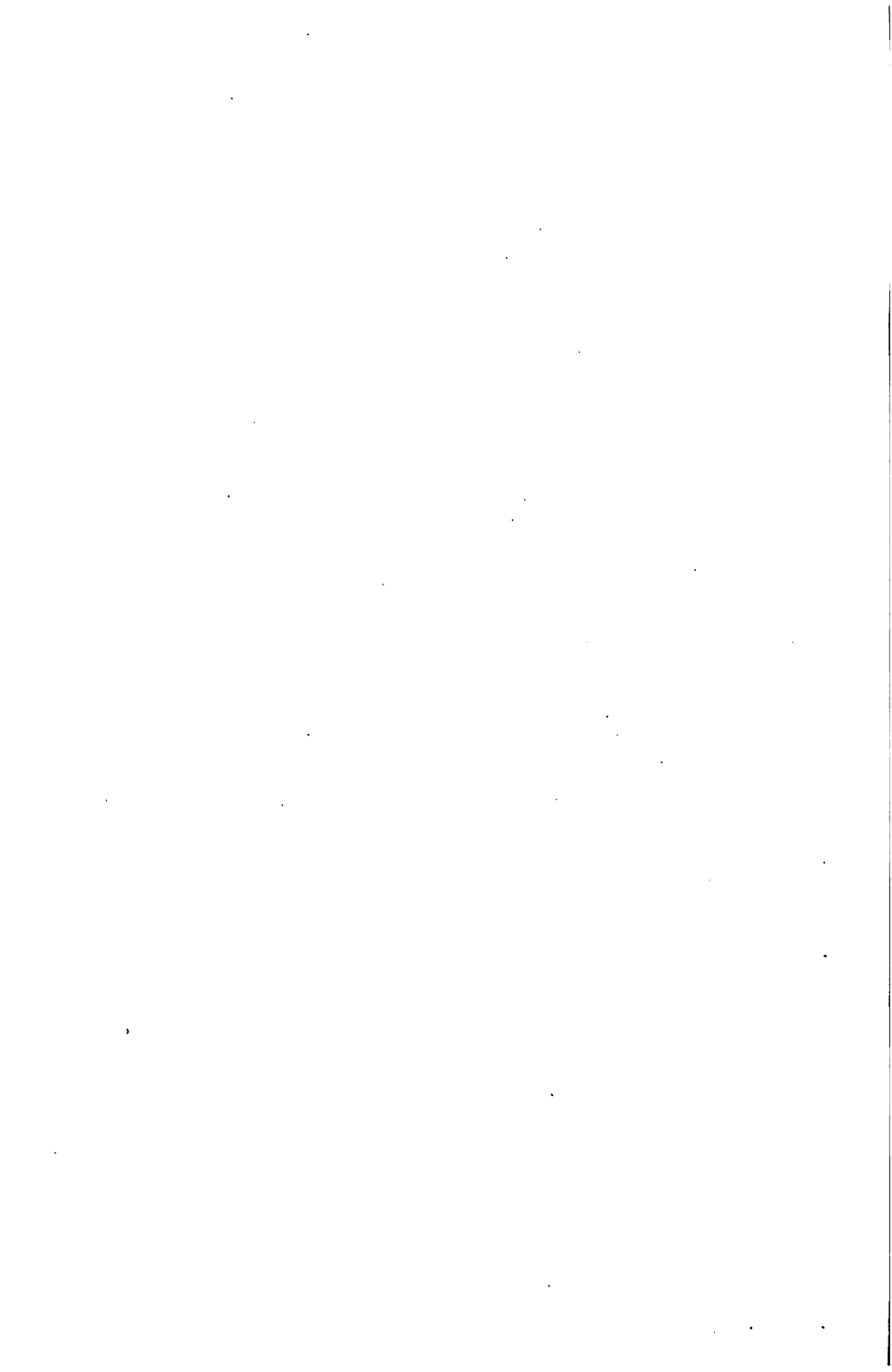
The motion was seconded and carried.

On motion, the Association adjourned *sine die*.

J. CRAWFORD BIGGS,
Secretary.



REPORTS.



REPORTS.

SECRETARY'S REPORT.

CHARLOTTE, N. C., June 21, 1904.

Mr. President and Gentlemen :

Since the adjournment of our fifth annual meeting I have had printed and bound in cloth, the proceedings of that meeting. Five hundred copies of this edition were printed and have been distributed to the members, to the Bar Associations of the several States, and to a large number of State and public libraries. We have now on hand about sixty copies of Volume 5.

This office has received in exchange the published reports of the proceedings of the Bar Associations of a great many of the States and of the American Bar Association.

At the time of my fifth annual report, the total active membership of the Association was 342.

Death has removed from our midst, since our last annual meeting, one of our active members, Mr. L. J. Moore, of New Bern, and one of our honorary members, Hon. Chas. H. Simonton. This vacancy has been filled by the appointment of Hon. Jeter C. Pritchard, who was one of our active and zealous members, having served a full term as a member of the Executive Committee.

Messrs. J. W. Price, of Wilmington; T. G. Skinner, of Hertford; Chas. McNamee and Kingsland Van Winkle, of Asheville, have resigned, the last two having moved from the State.

The Committee on Admissions to Membership elected at its meeting last evening sixteen members, making at the beginning of this, our sixth annual meeting, a total active membership of 354 members, and there are several applications for membership not yet acted upon.

The honorary roll numbers thirty-one, making a total membership of 385.

I am pleased to report that our membership is steadily increasing, the present enrollment being the largest since our organization was formed.

The By-laws provide that the Secretary in his report shall give an outline of the business, which is to come before the Association at each annual meeting so far as it relates to propositions or resolutions referred to any special or standing Committee. I beg to report that the following resolutions were referred, at our last annual meeting, to the Committee on Legislation and Law Reform:

"Resolved, That the Committee on Legislation and Law Reform be requested to take into consideration and report to the next annual meeting of this Association the advisability of obtaining an act at the next Legislature authorizing this Association to examine all applicants for license to practice law and grant license to the successful applicants, and that one-half of the license fee be paid this Association for expenses of such examination."

"The Committee on Legislation and Law Reform be directed to prepare a bill revising the statutes in regard to jury duty, exemptions from jury duty, and report a bill to the next session of this Association, and to consider the limiting of peremptory challenges."

The matter of the disbarment of attorneys for unprofessional conduct was also referred to this Committee.

The following resolution was also adopted at the last meeting:

"In view of the importance of the subject of legal education in general, the Committee recommends that it be referred to the Committee on Legal Education and Admission to the Bar, which will be appointed at this annual meeting to investigate and make report to the next annual meeting of this Association."

J. CRAWFORD BIGGS,
Secretary.

TREASURER'S REPORT.

CHARLOTTE, N. C., June 20, 1904.

I herewith submit, as directed by Article II of the By-laws, my sixth annual report as Treasurer, covering the transactions of this office from the date of my last report.

At that time the net balance on hand was \$610.75. The receipts for the year ending June 30, 1904, have been \$785.83.

These receipts, with the balance on hand of \$610.75, make a total of \$1,396.58.

Out of this fund have been paid the expenses of the Morehead meeting, the publication of the proceedings and the current expenses of the year, making a total of \$721.33, which is \$71.33 more than the estimated expenses.

I have on hand at this date \$675.25, and there are no outstanding obligations of the Association, except the amount (\$300) appropriated by the Association to aid in the establishment of a law journal.

I hereby submit a detailed report of receipts and disbursements:

RECEIPTS.

As appears from the accounts filed and audited by your Auditing Committee, the total receipts since my annual last report has been as follows:

Admission fees from 25 members.....	\$ 125.00
Annual dues from 321 members.....	642.00
Interest on deposit in the bank (less exchange).....	7.33
Sale of reports	11.50
Net balance on hand, as per last report.....	610 75
Total	<u>\$1,396.58</u>

DISBURSEMENTS.

1903.

July 6. Exchange, \$1.00; stamps, \$1.00; rent of hall, \$20.00.....	\$ 22.00
7. J. H. Morris, expenses.....	11.15

July 13.	Board, J. H. Morris, \$6.00; telegrams, \$4.53; ticket for Morris, \$7.60; Judge Thompson, board, \$5.90; sail, \$117.55; express, 85c.; Judge Thompson, \$60.00; stamps, \$1.50; stamps, \$5.00; express, 25c.; letter book, 25c.....	\$ 209.43
Oct. 19.	Stamps, \$2.00; exchange, \$2.00.....	4.00
22.	Stamps, \$4.00; stamps, \$1.50; express, 25c.....	5.75
Dec. 9.	Stamps.....	28.00
16.	Seeman Printery, \$251.65; express, 50c.; exchange, \$1.30; stamps, \$1.00.....	254.45
Jan. 5.	Stamps, \$2.50; stamps, \$1.00; exchange, 85c.....	4.35
16.	Stamps, \$2.00; exchange, \$1.60.....	3.60
Feb. 8.	Seeman, \$3.50; stamps Law Journal circular, \$5.30; stamps, \$1.20.....	10.00
Mar. 8.	Express, 55c.; circular letter, \$2.25; telegram, 25c.; stamps, 50c.....	3.55
May 31.	Stamps, \$5.00; carbons, 50c.....	5.50
June 8.	Stamps, \$4.00. letter book, 25c.....	4.25
14.	Stamps.....	4.00
15.	Stamps.....	1.30
	Salary Secretary and Treasurer, from June 30, 1903, to July 1, 1904.....	150.00

\$ 721.33

Balance on hand as of this date, \$675.25, which is \$64.50 more than the balance at last report.

The By-laws prescribe that the Treasurer shall, at each annual meeting, submit an estimate of the resources and probable expenses for the coming current year.

My estimate of the receipts is:

Annual dues from 300 members at \$2.00 each.....	\$ 600.00
Admission fees from 15 members at \$5.00 each.....	75.00
	\$ 675.00
Balance now on hand.....	675.25
Total	\$1,350.25

Estimate of the expenses for the coming year, \$800.00, of this amount, \$300 was appropriated at our last annual meeting to aid in establishing a law journal, and has not yet been paid out.

This estimate, if correct, will leave in the treasury at the end of the current year, beginning July 1, 1904, \$550.25.

I am gratified to report that the members have been more prompt in the payment of their dues, and many of the members who were in arrears have paid and we have the largest balance on hand we have ever had.

Respectfully submitted,

J. CRAWFORD BIGGS,

Treasurer.

REPORT OF AUDITING COMMITTEE.

To the North Carolina Bar Association:

Your Auditing Committee begs to make the following report:

We have carefully examined the accounts and vouchers of your Secretary and Treasurer, and find as follows:

Amount on hand as per last report.....	\$ 610.75
Amount received since last report.....	785.83
Total.....	<u>\$1,396.58</u>
Total disbursements.....	721.33
Balance in the hands of the Treasurer today as per his books.....	675.25

A. A. HICKS,
JAS. C. MACRAE, JR.,
JONES FULLER,
Committee.

REPORT OF EXECUTIVE COMMITTEE.

Mr. President and Gentlemen of the Association:

The Executive Committee has the honor to make the following report:

The Committee congratulates the Association upon having secured the Hon. Burton Smith, a lawyer known throughout the Southland for distinguished ability, to deliver the annual address before the Association.

The Committee has been duly organized by the election of F. A. Woodard, as chairman, and Zeb V. Walser, as secretary.

Respectfully submitted,

F. A. WOODARD, *Chairman.*

ZEB V. WALSER, *Secretary.*

SUPPLEMENTARY REPORT OF THE EXECUTIVE COMMITTEE.

The Executive Committee, having considered the matter referred to it in reference to what should be done with the members of the Association who were several years in arrears in the payment of their dues to the Association, begs leave to submit the following report:

The Committee recommends that the names of all members of the Association, who are four years in arrears in the payment of their dues, be stricken from the roll of members unless the dues are paid within thirty days after notice from the Treasurer of the Association, and that the Treasurer be instructed to send to all such members a notice to the effect that their names will be stricken from the roll unless all dues in arrears be paid within thirty days from the receipt of the notice.

Respectfully submitted,

F. A. WOODARD, *Chairman.*

REPORT OF COMMITTEE ON ADMISSIONS TO MEMBERSHIP.

The Committee on Admissions to Membership, respectfully report that the following members of the Bar, have been regularly proposed for membership and that they have been duly elected to membership in the Association:

S. S. Mann, of Hyde; F. I. Osborne, of Mecklenberg; Jas. P. Bunn, of Nash; F. R. McNinch, of Mecklenburg; E. L. Travis, of Halifax; Walter C. Feimster, of Catawba; Geo. P. Pell, of Forsythe; G. H. Hasten, of Forsythe; Thos. S. Fuller, of Wake; O. L. Sapp, of Randolph; E. E. Raper, of Davidson; Matt. McBrayer, of Rutherford; A. L. Quickle, of Lincolnton; D. B. Smith, of Mecklenberg; Clyde Hoey, of Cleveland; Jno. A. McRae, of Mecklenberg.

The Committee on Admissions further reports that the following members of the Bar have been duly elected to membership since the report last evening:

G. S. Bradsher, of Guilford; Geo. W. Connor, of Wilson; H. G. Connor, Jr., of Wilson.

The Committee on Admissions begs to report that the following members of the Bar have been duly elected to membership since our report this morning:

Jack R. Rountree, of Orange; John C. Sikes, Jr., of Union; A. L. Bulwinkle, of Gaston; Z. V. Turlington, of Iredell.

WALTER MURPHY,
For the Committee.

REPORT OF COMMITTEE ON LEGAL ETHICS.

To the North Carolina Bar Association:

GENTLEMEN:—Your Standing Committee on Legal Ethics submit the following annual report:

Article IX of the By-Laws provides as follows:

"The Committee on Legal Ethics shall be charged with the duty of reducing to the form of rules or canons the principles of ethics regulating the relations of lawyers to the courts, the public, their clients and each other: with the further duty of taking such action as they may deem best, in case any departures from these principles by members of the Bar of the State come to their notice, or are brought to their attention."

It will be noted that the By-Laws are silent as to what duty, if any, should devolve upon your committee in case the principles of ethics regulating the relations of the courts to the lawyers should be departed from by one or more of the Judges of our courts—all of whom are honorary members of this Association. This omission, we suppose, is due to the fact that nobody ever heretofore supposed that the time would come when it might be necessary to clothe your committee with any such duty. But the law is a progressive thing, and legal ethics must of necessity change with changed conditions in the practice of the law, and be regulated accordingly. We therefore, recommend the following amendment to Article IX of the By-Laws:

After the words "regulating the relations," and before the words "of lawyers," insert the words "of the courts to the lawyers and," so as to make the By-Law read as follows, to-wit:

"The committee on legal ethics shall be charged with the duty of reducing to the form of rules or canons the principles of ethics regulating the relation of the courts to the lawyers, and of lawyers to the courts, the public, &c."

We think that ethics of the bar to the bench, and also of the bench to the Bar, should recognize reciprocal relations towards each other, and each should recognize that there is a boundary line between the two, which neither should cross

over, or undertake to trespass upon, as being forbidden ground in the administration of the law in courts of justice.

Pursuant to the above quoted article of the By-Laws a Code of Ethics was adopted by the State Bar Association in June, 1900, and amended by adding an additional rule at the annual session of 1902. The Code of Ethics as amended now consists of fifty-one (51) rules; the latest publication of which may be found on pages 159 to 169, both inclusive, of the last annual report (1903) of the Association, Vol. 5 of the published series.

We call special attention of the members of the Bar Association to these rules, and more particularly to the first four rules which are designed to regulate the conduct of the Bar towards the Bench. But we would feel our duty only half performed in this connection if we did not call the attention of the Bar Association to the foregoing proposed amendment to Article IX of the By-Laws, which is intended to regulate the conduct of the Bench towards the Bar, and the necessity for its adoption, to be followed up afterwards by adding to the Code of Ethics one or more appropriate rules to carry the proposed amendment into effect, if such amendment should be adopted by the Association.

As Article IX of the By-Laws lays upon your committee the duty of taking such action as they may deem best, in case any infraction of the rules laid down in the "Code of Ethics" come to their notice, or are brought to their attention, some of your committee were at one time apprehensive that the late controversy between Hon. Robert B. Peebles, Judge, and members of the Bar of Robeson County, growing out of the late contempt proceedings, might devolve upon your committee the duty of investigation and report to the State Bar Association. But we are happily relieved of undertaking any such unpleasant investigation, for the reason that the parties themselves have adjusted and settled their differences among themselves, and said contempt proceedings have been dismissed with the mutual satisfaction of all parties concerned. We sincerely hope that for the credit of both the Bench and the Bar of our State an occasion for such a controversy may never again arise.

Respectfully submitted,

W. A. GUTHRIE.

REPORT OF COMMITTEE ON LEGISLATION
AND LAW REFORM.

At the meeting of the Bar Association, held at Morehead in 1903, the following resolution was adopted: "*Resolved*, That the Committee on Legislation and Law Reform be requested to take into consideration and report to the next annual meeting of this Association the advisability of obtaining an Act at the next legislature, authorizing this Association to examine all applicants for license to practice law and grant license to the successful applicants, and that one-half of the license fee be paid this Association for expenses of such examination."

Your Committee begs leave to report that it has taken this matter into consideration and has investigated the laws regulating the admission of attorneys to practice law in the various states and territories. It is not necessary to give a detailed statement of the result of this investigation. But a general summary will throw considerable light upon the subject.

It is found that in thirty-three states and territories, examination of applicants is conducted by boards consisting of practicing attorneys, appointed in various ways, but usually by the court of last report or the Governor. These states include in the northeast the states of Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey and Pennsylvania; in the middle west, Ohio, Illinois, Iowa, Michigan, Minnesota and Wisconsin; in the west, California, Colorado, Kansas, Nebraska and others, and in the south, Delaware, Georgia, Louisiana, Tennessee, Texas and West Virginia.

In six states the examinations are conducted in the Circuit or District Court by the presiding Judge. And in four of them, Florida, Kentucky, Missouri and Nevada, a committee of lawyers is added to the Judge. The two states in which the District Judge conducts the examination are, Arkansas and Mississippi. The state of Indiana is *sui generis*. The Constitution of the state forbids any examination to show legal attainments, and license is granted upon application to the District Court and proof of good moral character.

In nine states the examinations are conducted by the Su-

preme Courts of the State. Four of these states are from the west, viz.: Idaho, Montana, Oregon and South Dakota; one from the north, Vermont, and four from the south, Alabama, North Carolina, South Carolina and Virginia.

From this summary it will be seen that outside of our sister southern states, the other states which follow the North Carolina plan are not states that North Carolinians feel a pride in following.

The jurisdiction and power of the Supreme Court of North Carolina is fixed by the Constitution, Article 4, Sections 2, 6, 7, 8 and 9, and that instrument does not impose upon it the burden of selecting the officers of that court, except its clerk, or of the subordinate courts. Attorneys at law are officers of the Court, and while the legislature may doubtless require the Court to perform this service, the experience of the combined wisdom of the states is against the practice.

The Constitution of 1875 fixed the number of the Supreme Court Judges at three. Within a decade thereafter the duties became so onerous that the people voted for a change, and increased the number to five. It is well-known to the profession that the Court is now greatly overworked, and that it would not be able to clear its dockets were it not for the large number of per curiam opinions rendered at each term. As business of the State increases, the number of cases to be determined by this court will continue to increase, and with it the number of per curiam opinions. Every lawyer feels that the Court has not given proper consideration to his case when a per curiam judgment is rendered. The Court should not have any additional burdens placed upon it, but should be left free to give all of its time, its best thought and its mature consideration to the cases carried before it for final arbitrament.

Members of the Bar, of all men, should be most zealous in maintaining a high standard of proficiency, of morality and of professional ethics among the members of their profession. They should see to it, and should be in a position to see to it, that unworthy applicants are not admitted to its ranks. A board selected specially by the members of the profession for this purpose, charged with this duty and no other, would

assume the responsibility and perform the duty with greater satisfaction than even a Court, with its multifarious duties.

After mature consideration, your Committee recommends that the legislature be memorialized to pass an Act authorizing the Supreme Court of North Carolina to appoint a board, to consist of five members, with a term of office of five years each, one to be selected annually, which board shall be charged with the examination of applicants for license to practice law. The members of the board to be nominated by the North Carolina Bar Association, and no appointment to be made by the Supreme Court except upon such nomination. The statute should prescribe the time and places of meetings of the board, fix their compensation, and give it power to prescribe general rules for the conduct of examinations, which should be chiefly, if not entirely, written. A portion of the license tax should be set apart, to be used by the board in paying its expenses and compensation.

In this connection, without endorsing it, but only for information, your Committee begs leave to call the attention of the Association to the following recommendation of the Committee on Legal Education of the American Bar Association respecting requirements for admission to the Bar, made in 1897:

CITIZENSHIP—AGE—CHARACTER.

No one should be admitted to the Bar unless he is of good moral character, is twenty-one years of age, and is a citizen of the state.

REGISTRATION.

Upon beginning professional study a student should register his name in the office of a clerk of a court of record or in a law school that is incorporated or is a department of an incorporated university.

Upon petition, the law examiners should relieve from the requirement as to registration a candidate whose law studies began while he was not a citizen of the state; but they should not grant relief upon terms that would give such a candidate a preference over ordinary candidates.

GENERAL EDUCATION.

Prior to registration a student should prove that he has received at least the equivalent of a high school education, such proof being made by filing certificates or by passing examinations, as may be determined by the law examiners.

TERM OF STUDY.

A candidate should not be admitted to the Bar until the end of three full calendar years of law study.

BOARD OF EXAMINERS.

In all parts of the state the requirements for admission to the Bar should be uniform, and should be administered by a State Board of Law Examiners.

Law examiners should be appointed by the court of last resort, and should serve for three or more years, part of the number being appointed each year.

The law examiners should recommend an appropriate order of study, and should designate the statutes, leading cases, and practical forms with which students must become familiar, and in all other practicable ways should aid candidates to study in a systematic and useful manner.

EXAMINATION—REGULATIONS—SCOPE, ETC.

No candidate should be admitted to the Bar without examination, except as hereinafter provided.

Law examinations should be held at such times and places as the court of last resort may see fit; due announcement being made as to times, places and subjects.

Law examinations should consist chiefly of written answers to printed questions.

Law examinations should be chiefly devoted to solving and discussing legal problems similar to those arising in office practice and in litigation; and questions should not be so framed as to admit "yes" and "no" answers.

A candidate should be permitted, if he desires, to divide the law examination into two parts; the first part to cover the more elementary subjects and to be taken not earlier than one

year after registration, and the second part to cover the more advanced subjects and to be taken not earlier than three years after registration.

ADMISSION OF ATTORNEYS FROM OTHER JURISDICTIONS.

Upon petition, the law examiners should relieve from all requirements, save the requirements as to character, age and citizenship, a candidate who is already a member of the Bar of a state in which there are equivalent requirements for admission, or in which, after admission, he has been in active practice for five years.

THOMAS B. WOMACK,
For the Committee.

REPORT OF COMMITTEE ON LAW REFORM.

To the Honorable the President and Members of the Bar Association of North Carolina:

The undersigned Committee on Law Reform respectfully present the following:

They beg leave to say that all of the members of the Committee on Law Reform appointed at the last meeting, except one, were absent at this meeting, for which reason two of your Committee have been appointed this day. For the reasons aforesaid, your Committee has been unable to examine into and report upon all the matters which have been referred to it but having considered some of the matters, respectfully says:

First. Exemptions from jury service.

The Committee respectfully recommends with approval the attached resolution asking for abolition of all exemptions as to jury service.

Second. The Committee recommends with approval the attached resolution in regard to the rights of married women.

Third. The Committee recommends with approval the attached resolution with reference to the publication of Supreme Court reports.

Fourth. The matter suggested to the Committee through the Board of Public Charities of North Carolina for the reform of criminal children is of such importance that the Committee does not feel it advisable to act upon it, but respectfully recommends it for the future consideration of the Committee.

Fifth. The matter looking to legislation upon professional conduct among lawyers, was before the Committee, but the Committee was unable to make any report thereon, but respectfully recommends it for future consideration of the Committee.

All of which is respectfully submitted.

CLEMENT MANLY,
W. A. DUNN.

REPORT OF COMMITTEE ON PUBLICATION OF
LAW JOURNAL.

The Committee on Publication of a Law Journal submits the following report:

The members of the Committee met in the City of Raleigh in the month of November, 1903, and after considering propositions from several parties as to the publication of a Law Journal, the Committee made a contract with Hon. James C. MacRae, of Chapel Hill, agreeing that if he would undertake the publication of a Law Journal, the Bar Association would pay him the sum of \$300 during the first year, provided it was apparent that the expenses incident to the publication for a year would exceed the receipts to the amount of \$300. During this meeting of the Association the Committee has gone over the matter with Judge MacRae's representative, and it has been ascertained that the expenses will exceed the receipts during the current year to the amount of \$300, and the Committee has accordingly directed the treasurer to pay to Judge MacRae the said sum of \$300.

The Committee feels that the Association is to be congratulated in securing the services of so competent a lawyer to undertake the publication of the Law Journal, and the Committee urges all the members of the Bar Association to subscribe for the Journal and to give it their support in every way to the end that the enterprise may become self-sustaining, and that Judge MacRae may be encouraged to continue its publication.

Respectfully submitted for the Committee.

CHAS. W. TILLET, *Chairman.*

REPORT OF COMMITTEE ON NOMINATION OF OFFICERS.

Your Committee on Nominations begs to recommend to the Association for Vice-Presidents for the ensuing year the following:

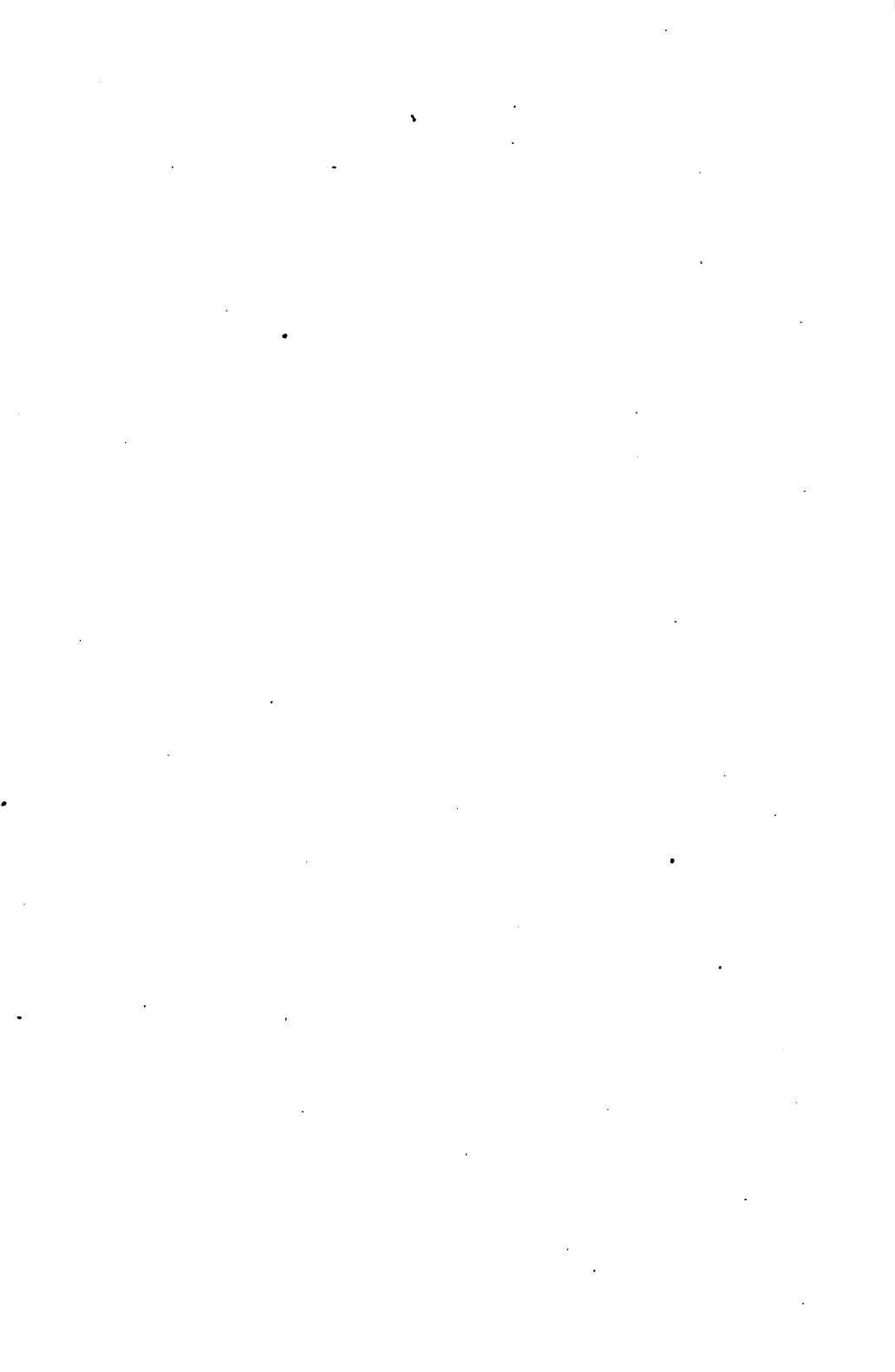
1st District, S. S. Mann, of Hyde; 2nd District, B. B. Winborne, of Hertford; 3rd District, A. D. Ward, of Craven; 4th District, E. W. Timberlake, of Franklin; 5th District, T. C. Wooten, of Lenoir; 6th District, Thos. S. Kenan, of Wake; 7th District, G. B. Patterson, of Robeson; 8th District, John D. Shaw, of Richmond; 9th District, Robert C. Strudwick, of Guilford; 10th District, Theo. F. Kluttz, of Rowan; 11th District, T. B. Finley, of Wilkes; 12th District, H. N. Pharr, of Mecklenburg; 13th District, W. C. Newland, of Caldwell; 14th District, S. Gallert, of Rutherford; 15th District, Louis M. Bourne, of Buncombe; 16th District, M. W. Bell, of Cherokee.

For members of Executive Committee: A. C. Avery, of Burke; W. S. O'B. Robinson, of Wayne.

Respectfully submitted,

L. H. CLEMENT, *Chairman*.

APPENDIX.



APPENDIX.

ADDRESS OF WELCOME.

BY CHASE BRENNER, Esq., of the Charlotte Bar.

Both Charlotte and Mecklenburg county congratulate themselves upon furnishing the forum in which shall be discussed matters pertaining to the legal welfare of the State of North Carolina. We have near us no ocean with its multitudinous waves and prismatic change of colors, none of God's everlasting hills lifting their peaks in silent grandeur thousands of feet into heaven's dome, but our grass is as green as emerald, our streets are beautifully shaded with spreading trees, and our hearts are glad with welcome. What more could be asked than that?

This Association, after taking a stride from Wrightsville by the sea, where the roll of the mighty waters sounded in its ear, typical of the vastness, strength and majesty of the law which it represents, to Asheville in the Blue Ridge, whose pure atmosphere is symbolical of the purity of the sources from which all laws should come, then back again to Morehead City, has settled itself this year in the foothills of North Carolina, the great Piedmont section, emblematic in its compromise between the two extremes of the equity and conservatism of the law. The Anglo-Saxon law shapes itself from a thousand moulding causes, and the different locations in which it has found itself placed have formed it into crystal whose heart is majesty, purity and conservatism, and which has a million sides, with one turned to each man who is willing to abide by its precepts, in which he may see reflected back to him the justice which his conduct shows that he deserves. It is well, therefore, that this body should travel from one section to another until it has felt upon itself, like the jewel which it prizes, the moulding forces of each section of North Carolina. We regret that, in the natural course of events, this must be so, for the people

and the Bar of Charlotte would be glad to have you with them each year of the life of the North Carolina Bar Association, in regard to which our hope is that, hundreds of years hence, its loyal members may look back and see its birthdays strewn along the vista of the past "as thick as leaves in Vallambrosa," and, to quote from an opinion of a lamented Chief Justice, "as numerous as Yarborough House Colonels."

At the risk of placing this city and county in the position of the politicians referred to by the old Alabama negro, who, when asked his opinion, after hearing them present their claims to recognition, said "they suttently do riccomind theyselves mighty highly." I am going to tell you something of the past history and present progress of Charlotte, which we, in our pardonable pride and harmless egotism, because we love her, have called "The Queen City of the Old North State," and of Mecklenburg, which is known to us, her inhabitants, as "The Banner County of North Carolina. We think it is fitting that this body, representative of law and liberty, should hold its deliberations upon ground trod, in Colonial and Revolutionary days, by our sturdy old advocates of the principles of Magna Charta, the principles which embody all the law that "we should live honestly, should hurt no one, and render to every man his due." This City takes its name from Charlotte, Princess of Mecklenburg, whose principality has given the name to the county. The street upon which this building stands was named after a Governor of Colonial days. It is a matter, well known in history, that Lord Cornwallis referred to this section, on account of the trouble which its people gave him, as a very "Hornets Nest." The Hornets Nest is the emblem of this county because of that fact. To show our pride in the deeds of our pioneers, we have perpetuated the memory of some of them by placing tablets and monuments upon our streets. In the center of the city you will find one that commemorates our Declaration of Independence. Before the court house stands a monument to the signers of this document. We are glad and proud to know that this event has become a source of State pride, and that the Legislature has declared the anniversary of the Declaration a State holi-

day. Not only did our forefathers stand for liberty and law, but also for learning, that companion and bondmaiden of both. A short distance from this hall, where our county court house now stands, is the site of Queen's Museum, the first college in the colony of North Carolina. Not many miles away from here, upon the soil of Mecklenburg County, stands historic Davidson College, which has always been, in its thorough course and high standards, a rival of the State University. It has turned out such men as Bynum, the Osbournes, Burwell, Chambers Smith, Wilson, McIver and others whose names are known by all the people of the State. The motto of this institution is one which indicates the temper and spirit of the inhabitants of Mecklenburg. *Alenda lux ubi orta liberta.* From a legal point of view, we have had such men as Avery, Shipp and Osborne, who represent in all things the type of the old time lawyer, who knew no higher law than fidelity to his clients and justice and mercy to his fellowmen. It was here that Vance, that always strong and noble advocate of law and right, as well as a great and glorious man, whose conduct during the Civil war endeared him to every North Carolinian, practiced our honored science. We can say truly to the stranger within our gates, "tread reverently, for you are upon historic ground, hallowed by the blood of our fathers, and made precious by their graves." To you, who are brothers, we extend a welcome to the County which has given birth to much of which the whole State is proud.

Upon such a foundation of nobility and learning could be builded any business or governmental structure however great. Today Charlotte and Mecklenburg County stand as the very synonyms for progress in the vocabulary of all men. To give you statistics in regard to Charlotte's present condition—her banking capital and surplus are \$1,888,620.00, and the loans and discounts of her banks are \$4,433,780.00, showing in each case a ratio of one-seventh of that of the whole State of North Carolina. She has fourteen cotton mills with an invested capital of \$2,693,000.00, there is in use in these cotton mills 114,000 spindles and 5,000 looms. She has manufactured everything from towels, up or down, to mule back-bands and clothes lines.

The capital of her Building and Loan Associations is over one-third of that of the whole State. She sells one-half of all the cotton mill machinery sold in the South. Of the rest, about one-quarter is sold direct by the northern markets and the other one-quarter from Atlanta. We have here the first shop in the South which has actually built cotton mill machinery. In regard to Mecklenburg County, her good roads are proverbial throughout the whole United States. There are 135 miles of macadamized roads radiating from Charlotte, and we might say, like the old Roman highways from Rome. This County has already expended about \$400,000.00, and is still expending \$40,000.00 a year for this purpose. We hope that the time will soon come when these broad and beautiful highways shall reach the uttermost edge of the county, so that no farmer in Mecklenburg will be distant more than a three hours' drive from the county seat. I have given you these statistics, gentlemen, not in a spirit of vainglorious boasting, but because I believed you would be interested in hearing something in regard to this section in which you have been placed. We take pride in the other counties of our State, and we do not individualize our advantage with the purpose of detracting from the great and just merits of these. We lay all our achievements at the feet of North Carolina, and ask you, her worthy citizens, to take pride in them, along with those of the sections from which you have come.

Hawthorne has a beautiful story called "The Great Stone Face." He tells of a valley surrounded by lofty mountains and thickly inhabited, at the head of which, against the perpendicular side of one of these mountains, Nature has thrown up some mighty rocks in the shape of a human head. It looked like the face of a mighty giant, with benevolence and humanity and all good traits depicted upon it. There was a legend in the valley which went back many generations, and was even said to have been known by the Indians. It was in the shape of a prophecy that some day there would be born in the valley a man who would become the greatest and most noble personage of his time and who would look like the great stone face. A little boy sat at his mother's knee and heard this prophecy

and grew up to love the great stone face. He looked forward day after day to the coming of the man who would be this great hero. There came in his youth a rich man whose name was Mr. Gathergold. In spite of his wrinkled and yellow face, the people hailed him as the hero of the prophecy. When the boy saw him his heart sank with disappointment. There came two other men who were natives of the valley who were believed to be the counterpart of the great stone face—one a great general who had won laurels upon the field of battle, and the other a statesman who had the gift of great and wonderful oratory. At different times both these men were believed to be in reality the one for whom the people had been looking through many generations. It seemed to the boy, who had now grown to be a man, that there was something lacking; that none of these had in their faces the benevolent and noble aspect of the great giant whom he had grown to love with a personal love. For many years he was an humble worker in the fields and used to spend his evenings, when his work was over, studying the features of this great stone man. It seemed to smile down upon him in his toil and in the evening, and sometimes to speak to him. When he had grown to manhood his heart was full of noble thoughts, which found utterance in his life. In every way possible, he did good to his fellowman. Gradually the noble thoughts which filled him began to find utterance in words and he became a preacher and his fame went out beyond the valley, so that great men came to hear him express his wonderful, noble thoughts. At last there came into the valley a poet whose writings were so beautiful that Ernest, who had now grown to be an old man, believed that he ought to be the hero for whom he had been looking, because he was a native of the valley. This man finally came to visit him, but, to his disappointment, he did not have the features of the great stone face. At last, one evening while the preacher was standing in a niche in the rocks, preaching to the people who were lying about on the ground, when the sun was casting its slanting rays through the trees upon the assembled crowd, there came to him some grand thought and his face assumed a more noble and benevolent aspect and

this poet who was looking on and saw the sunlight shining upon the old man's silvery locks, cried out, "Here is the man who looks like the great stone face," and the people looked and it was true. The boy who had grown up with this great stone face as his ideal, had grown into its likeness, and, unknowingly, he himself had realized the prophecy.

As I look around upon the venerable heads of some of the members of the Bar of North Carolina, men who, in all things, represent the type of the old-time lawyer, and who bring to us the atmosphere of men of other days, such as Ruffin, Daniel, and Nash, it seems to me that they are to us our great stone faces and that the younger members have an opportunity and a privilege in looking upon them, and by a study of their characters and their manners, growing into the likeness of the noble men of other days. I know at least one who seems to me to be like these men of the olden time. He has all the virtues of those at whose feet he learned the law. In his bearing he is dignified and courteous, filled with a sense of humor and pathos, seeing all the sides of feeling, whether gay or grave, which are uppermost in his fellowmen. In his dress he is neat, but not given to show, seeking rather the reality of cleanliness than the semblance, and, with the motto of Beau Brummel, "plenty of linen and good country washing." He is a well-rounded man, diving in his researches, not only into the depths of legal law, but seeking all that is good in literature and art. He has a wonderfully keen knowledge of human nature, and his cross-examinations are worth going miles to hear. In the forum he is a powerful antagonist, and he feels so greatly the love of conflict, the *gaudium certaminis*, that he goes into a two weeks' trial term and comes out in better health and spirits than when he went in. Where the trial of a law suit is concerned, he is like a war horse—scenting the conflict from afar. He fights until he is absolutely overcome and driven to the wall, but always has a generous sense towards his adversary, so far as he can indulge it without injury to his client's interest. He is quick to take offence in any matter which touches his honor or dignity, but is alive with forgiveness when it is asked, and sometimes when it is not. In all things he exemplifies the greatest motto which can be

followed in human life, "Put yourself in his place." In the dignity and majesty of his bearing he is

"Like some tall cliff that lifts its awful form,
Swell from the vale and midway leaves the storm;
Though round its breath the rolling clouds are spread,
Eternal sunshine settles on its head."

With all his grandeur and nobility, the keynote of his whole character is the sunshine that rests upon his brow, shines in his eyes and radiates through his whole personality the bright clear light of brotherly love and friendship. All men who practice at the bar, whether young or old, come within the sphere of his courtesy, and he meets the younger members with so true a grace and so cordial a manner, that he makes them feel that they are not held afar off by age and learning, but are upon equal ground. Along with the *esprit de corps* which should pervade this honorable body, I know no quality which would more characterize it, and all the bar of North Carolina, than this same kindliness and good feeling between each other which belonged so pre-eminently to its members in the days of the past. Generally speaking, friendship is the centripetal force which binds together the atoms of humanity and checks the centrifugal force of solitariness and selfishness. With us it is the bond which holds together men of similar tastes and aspirations. Without it we, or any other men, will be left as much alone as was Absalom, when hung by his hair to a tree, in the quaint language of scripture, "the mule that was under him went away." The old negro preacher said, in delivering a sermon from this text, that it was very evident that the mule was the same in this day as in that; that he had always noticed it was "one of de special and perticular characteristics of de mule to go away from under us when he is most wanted."

We are in a great age, not only in the State of North Carolina, but also in the world. Standing here, just within the threshold of the 20th century, with America widening out so rapidly into her island possessions that the constitution must put on seven league boots in order to follow the flag; with new conditions confronting us, new law is beginning to take its place and the old law to shape itself anew in a different envi-

ronment. The old days when the President rode to his inaugural upon his own steed have gone by, and private cars for our executive officers are the order of the day. Simplicity in death no more characterizes us than simpleness in life. The time has come when it takes a well-stocked special train and many attendants to bury a Congressman or a Senator. The old nation whose motto was "*simpliciter et vere*," is seeing a wave of money power, driven by an impetus of commercialism, sweep across it with a suddenness and immensity which takes the breath away from all the lookers on in other countries. We, ourselves, are not surprised, because in our opinion, nothing is too great for America to do. With the springing up of this new era of prosperity, all things have changed. Even the great old State of North Carolina, known best by its resistance to oppression, its love of liberty, its religiousness, and its patriotism, is beginning to see her forests pierced with many railroads and her hillsides dotted with many manufacturing enterprising—truest emblem of progress, for no State can be great which is not the producer of something used by its own citizens, or by the citizens of other States. With this influx of capital and its accumulation by our own citizens, new conditions are beginning to confront us. The lawyers no longer ride the circuit with their green bags, containing Coke upon Littleton, and the other learned writers of the profession, but they are beginning to become more like their brethren in the cities of the North and are as much advisers of business men as interpreters of the law. Like all innovations, this change with its unusualness, is fraught with dangers to the profession. A lawyer has as much right to amass a fortune, if he can, as any other man, but it behooves us to see that we are not corrupted by the sordid influences which come with too great commercialism. We should remember always the honor and dignity of the profession, which abhors barratry, which teaches fidelity to clients and the preservation of the principles of honor, justice and conservatism, and which believes that there is a higher good in the study of the law than the amount of dollars and cents which can be derived from its practice when learned, and whose sturdy advocates have always taught that it is worth learning for the law's own sake and for the

welfare of humanity. In the words of a learned sage, "It is well to revert often to fundamental principles."

Most of the lawyers who attend this meeting will go to the State Convention at Greensboro, for it has always been true that lawyers, individually and collectively, wield a vast influence in the politics of a State or government, because it has to do with the making of the laws. It is a significant fact that all four of the worthy candidates for the honorable position of Governor of this State, before the Democratic convention, whose nomination means election, are lawyers. DeTocqueville, in his work on "Democracy in America," says "The government of Democracy is favorable to the political power of lawyers; for when the wealthy, the noble and the prince are excluded from the government, they are sure to occupy the highest stations in their own right, as it were, since they are the only men of information and sagacity beyond the sphere of the people who can be the object of the popular choice. . . . The people in Democratic States do not distrust the members of the legal profession, because it is known that they are interested in serving the popular cause, and it listens to them without irritation, because it does not attribute to them any sinister designs." As DeTocqueville says further, in spirit, the impulse of lawyers has always been toward the betterment of the people's interest. I say to you that with great power come great responsibilities. "It is glorious to have a giant's strength, but it is tyrannous to use it like a giant." Heaven grant, and knowing the character of our membership, I believe that it will, that all the deliberations of this body, and every other like it, in the days of the future, may be toward the purity and justice of the law and the interest of the people, as affected by it.

Gentlemen, again I bid you and your honorable presiding officer welcome to Charlotte. May your stay in our borders be pleasant, and may you feel that we have been observant of the motto, "Be ye not unmindful to entertain strangers," and may you be, when you leave, not strangers, but friends. The latchstring is on the outside of every residence in town and, in the name of all men, not only lawyers, but laymen, I present you with the freedom of the city.

RESPONSE TO ADDRESS OF WELCOME.

By R. W. WINSTON, of Durham Bar.

Mr. President, and Members of the Bar Association:

We thank our brother Brenizer for his gracious words of welcome. Indeed, sir, when it was made known that our annual meeting would be held in the Queen City of our State, my mind intuitively traced an analogy between Charlotte and the Bar of North Carolina, each standing for the central ideas in human civilization—the spirit of human liberty and the spirit of human endeavor; and as I thought of what words to use in acknowledgment of the compliment, which from experience I knew full well her hospitable greeting would find expression withal, I was moved to say something personal about Charlotte, something about her people and their history, something about their freedom and independence, something about their progress along lines which mark the permanent and the substantial, in a word to uncover in this presence and in the name of the whole people of North Carolina say to this fair city: We find something about you which men love to call master. But, sirs, inviting as was the theme—and exhaustless—I said “no,” this would be but the phrase and trick of compliment, truthful beyond doubt, but there are reasons why something, at this hour, should be spoken upon another subject, spoken not of the *place* where the lawyers of North Carolina are meeting in this year of grace, but spoken of and concerning the *lawyers* themselves.

THE NORTH CAROLINA BAR.

Is it true, Mr. President, that the Bar of North Carolina, and I shall confine myself to this State alone, have descended into a lot of tricksters and jury packers, and that they are a menace to peace and good order? If so, the sooner they are suppressed by Legislative enactment, the better. But if not so, then it is high time that the people would shut up about the badness of the legal profession. Be good enough to understand me, sirs, this plea is not interposed for the protection of the lawyers—they are amply able to take care of themselves,

they are equipped for fighting, not a torpedo boat at the mouth of the Yalu River manned with ever so many victorious Japanese is more so. But this plea is put in by me, in apt time, and in due form, for the good of the Commonwealth itself. Now, I make no reference to that kind of badinage at the lawyer's expense in which wits and poets have often indulged. Swift and Baxter, Emerson and Dickens, and hosts of others have brightened their pages by flings and jibes at the sons of Thetis. These caused and intended no real harm. Indeed, I make no serious complaint that thoughtless and wicked men sometimes repeat the musty saying that lawyers actually tell lies! Though I will be pardoned for telling you what a quaint old friend of mine once gave me as the origin of this popular fallacy. Said he, people with law suits wish you lawyers to tell lies for them and that is why they think you do so! We do not even fall out with Mr. Dooley who declares that justice is blind. Yes, sez he, not only blind but deaf, and has a wooden leg! Against such playfulness—horse play, if you like, I say naught, but I must raise my voice against the spirit of modern malevolence and downright abuse which seems to be leveled indiscriminately at our devoted heads—and by those who should know better.

Two facts, when coupled together, ought to give these worthies pause. First, the earning capacity of North Carolina lawyers was never as great as it is today, and second, they never before held at the hands of the people so many positions of honor and trust. But let us meet the proposition face to face, and just among ourselves, let us take an inventory of the moral assets and liabilities of the North Carolina Bar, and after balancing the account let us proclaim the result so that all men may be advised and govern themselves accordingly. In the State of North Carolina today there are in round numbers one thousand practicing attorneys, and each year these men, roughly speaking, handle of their clients' money at least one million dollars. They give no bond, often times they give no receipt, and yet I venture to remark that not one thousandth of one per cent. of these very large sums were misapplied or even withheld. Here we have one thousand men constantly

dealing with edged tools, tools that cut and cut to hurt, and yet so skillful have they become, and may I add so true, that rarely a man of the entire number is disabled in their use. If you will examine our law reports you will discover that not one thousandth per cent. of the cases in our books have to do with lawyers or with their personal transactions. Lawyers are a strictly law abiding folk.

THE OFFICE OF A LAWYER.

Tell me, good sir, you whose bank paid 20 per cent. during the past year, or you whose cotton mill or factory did fully as well, or you who operate your great railway system so smoothly and so satisfactorily, do you not sit with telephone in one hand and with your confidential adviser, your attorney, securely affixed to the other end of the line? Is there scarcely a merchant or a farmer in North Carolina who does not place his hand in that of his discreet lawyer-friend and who does not entrust to him his family secrets and his very character? When some local convulsion shakes the community—when terror is seated upon every countenance, to whom but the lawyer do the affrighted people go? And even the editor with his ceaseless round of educating and enlightening the people has his confidential lawyer with whom he advises, when emergency arises. Go into any well ordered community, pass up and down the streets or traverse the highways, mark well the social conditions and note the men whom you encounter and almost invariably you will discover that each for himself has his chosen legal adviser by whom he swears and for whom he fights. Carp at him if you list, yet the true lawyer is the backbone of a true democracy, and his office rises to the dignity of almost a department of government, "an instrumentality of the State for the well being and conservation of the State." Who writes the laws? Who construes the laws? Who writes your contracts, your deeds, your mortgages, your wills? Who advises the people in great and small affairs? Who organizes and advises your corporations? Who is your alter ego when trouble has overwhelmed you and yours? Who fights your battles for you? 'Tis always the sound and con-

servative lawyer. Little wonder that Blackstone declared that a despotism like Russia could boast few lawyers in her midst. Imagine, if you can, a community or state, from which the lawyers have been removed, and what will we find? Intolerance, littleness and backbiting. The late Governor Holt related to me an incident touching the Legislature of about 1840. It seems that the people of North Carolina, becoming unco good at the time, elected a farmer's legislature. Not a single lawyer gained admittance. Among other laws they passed the following:

"Be it enacted, That 190 pounds is a barrel of tar." When the Legislature had adjourned, a wag of a fellow, passing through Fayetteville, and having a copy of this sagacious law in his hand, hailed a black negro, weighing just about 190 pounds, and said to him, "Hello, there, Jim! Did you know that you were a barrel of tar by act of the General Assembly of North Carolina?"

Consider with me for a moment one other quality of our great profession. We are willing to live and let live, and we recognize the fact that there are two sides to nearly every proposition. Is this quite true of other professions and other callings? While the lawyers clash, it is but the clash of generous rivalry, no stains are carried away on their blades. The old negro as you will remember, gave as his reason for joining the Episcopal church, that he could jaw back at the preacher. Even so with the legal profession. If you wish to see a tender-footed animal, you want to watch a good lawyer make his opening speech in a bad case, when he knows that a smart fellow is to follow him. It was said of the late Judge Robert Gilliam that he was so cautious that you might blindfold him, and after lining the streets of Oxford with eggs, turn him loose to go from his residence to the courthouse, and that he would make the trip, not breaking a single egg. On one occasion, the most important personage in my house, (a lady of course) essayed to go with some other ladies into the Durham county courthouse to hear a damage case tried. I was of counsel for the plaintiff. The defendant offered no evidence which gave my neighbor, Major Guthrie, representing the

railroad, the last speech, and he used it for all it was worth, belaboring *your orator* in a most merciless fashion. The afore-said important lady personage, herein above referred to, was not on speaking terms with the major for a full month. Irvin Browne, speaking of the comparative learning of the professions, says: "The clergyman knows a good deal of a considerable number of things; the physician knows a great deal more of a smaller number of things; the lawyer knows a little of a great many more things than either."

SOME BAD MEN IN THE PROFESSION.

You ask me if there are not some bad men in the profession? Of course there are, just as there are Bishop Onderdonks, Beechers and Carawans. But men of this kind in our profession, are not more numerous than they are in other professions, not even omitting the sacred ministry itself. Now and then you will find a type of man of whom Swift did write :

"So at the Bar the booby Bettesworth,
Though half-a-crown 'oe'r pays his sweatworth,
Who knows in law nor text nor margeant,
Calls Singleton his brother serjeant.

But the existence of such men proves nothing except that we are all mortals, and prone to evil as the sparks fly upward. But, take the average of things, and I maintain that the laws in North Carolina have been administered upon the whole, as successfully and in the interest of the people of the entire State, rich and poor, high and low, as has any other department of human endeavor. I maintain again that the lawyers in North Carolina are far and away more responsible for the condition of things, as they now exist, whether for good or for evil, than any other class of our people. By this I imply that they make and execute the laws, hold the offices, shape public opinion, control politics, and are directly answerable for all of the important conditions now existing in our good State. Fearful responsibility you say! So it is. And yet, not meaning to indulge in flattery, we would not swap off North Carolina for Massachusetts. If to be God-fearing is to be great, then North Carolina is great. If to be just and brave and open handed,

to love the home, to pity the weak, to despise the boot-lick and the snob, to stand erect and look up as a man into God's blue sky, with no ring in ones nose, if to realize that riches may be corrupted and garments moth-eaten, if these things count for aught, North Carolina is great. At all events we lawyers of North Carolina are willing to take her at what she is worth. If it is our job, we are proud of it.

LAWYERS THE CONSERVATIVE FORCE IN A STATE.

We take courage, that in this day of fuss and feathers, North Carolina is what she is—quiet, serene, homespun, if you please, but true and puissant. Was it not Burke, Mr. President, whose voice, in the tumult of the Revolution, was heard to say: "Because half-a-dozen grasshoppers under a fern make the field ring with their importunate chink, whilst thousands of great cattle reposed beneath the shadow of the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field; that of course they are many in number; or that, after all, they are other than the little shrivelled, meagre, hopping, though loud and troublesome insects of the hour."

One way or another, right nearly always prevails in our State. There may be an occasional eddy in the stream. But the course of North Carolina affairs is ever towards that, "Far away Divine Event." Let the man who really wishes to understand the administration of justice study Emerson's estimate—"In a court of justice the audience are impartial," he says, "they really wish to sift the statements, and know what the truth is. And in the examination of witnesses there usually leap out, phrases, which are the pith and fate of the business, which sink into the ear of all parties, and stick there, and determine the cause. All the rest is repetition and qualifying; and the court and the country have really come together to arrive at these three or four memorable expressions, which betrayed the mind and meaning of somebody."

Now don't let some little fellow rise up and say, "Was not so and so convicted of manslaughter, when he ought to have been convicted of murder?" Perhaps so, no system is perfect

and yet murder in the first degree has been almost abolished by statute in North Carolina. When the Empress of Austria was stabbed to the heart in Switzerland by an assassin a few years ago the murderer was convicted but he was sentenced to only life imprisonment. Many countries do not punish with death at all. But did we not have terrible times in the recent contempt cases? Of a truth we did, but they are ended now, and this was only the second time in 135 years that such an occurrence had happened in our great State, and I venture to remark that it is the last time that it will happen again. Let me further endeavor to remind you of what the lawyers of North Carolina have done and are doing for this State. They are the conservative force of the State. Lawyers are not blown about by every wind of controversy as the average citizen may be. The average citizen picks up his morning paper, his eyes fall upon the big head-lines announcing an atrocious murder or a startling burglary or some legal *coup de'état*, and he forthwith loses his head and jumps to a rash conclusion; but not so with the lawyer. He discounts the article at once. First he subtracts twenty per cent. for the zeal of the reporter, he then takes off twenty per cent. more for the over-statement of witnesses who desire to be conspicuous and he finally deducts fifty per cent. because he has not yet heard from the other side, and so he gets near to the heart of things. May I not join with Rufus Choate in declaring that the lawyers have helped to keep alive and germinate the sacred sentiments of obedience and reverence and justice, of the supremacy of the calm and grand reason of the law over the fitful will of the individual and the crowd; that they helped to withstand the pernicious sophism that the successive generations as they come to life, are but as so many successive flights of summer flies, without relation to the past or duties to the future, and taught instead that all—all the dead, the living—the unborn—were one moral person—one for suffering, one for responsibility, that the engagements of one generation may bind the conscience of another; the glory or the shame of a day may brighten or stain the current of a thousand years of continuous national being? Consider the profession of the law, then,

as an element of conservation in the American state. I think it is naturally such, so to speak; but I am sure it is our duty to make and keep it such.

Is not the supreme test of excellence after all the fruitage of a thing? Men do not gather grapes from thorns nor figs from thistles. Even by this arduous standard the great body of North Carolina lawyers, with due humility I trust, but also with some boldness, would be judged—mindful that these higher attitudes where Davie and Badger and Graham and Vance have trod are not attained but by high thinking and right living.

WHEN CONQUEST IS A DUTY.

By HON. BURTON SMITH, of Atlanta, Ga.

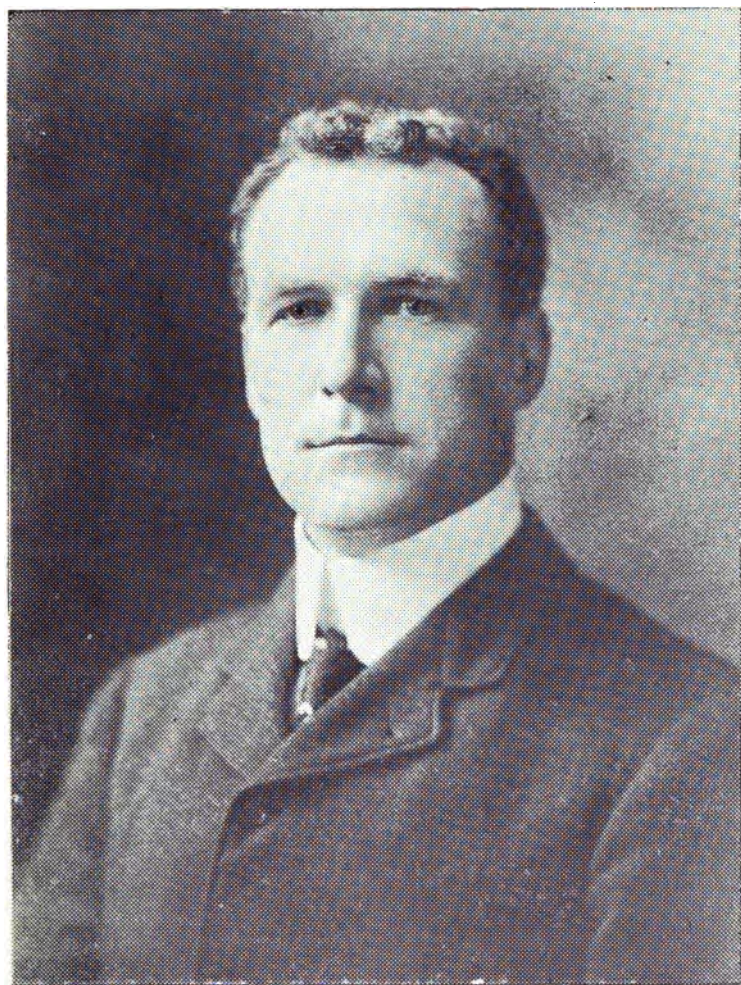
It is a distinguished honor to address a Bar Association and one which would cause some trepidation were it not that the lawyer is ever a kindly critic, but to me the honor and trepidation are forgotten in the pleasure which I feel in appearing before the lawyers of that State, upon the roll of whose Bar are the names of my grandfather, my great grandfather and my great grandfather's grandfather.

One of my earliest recollections is of North Carolina and her great jurist, Judge Ruffin. When I was a small child, he visited my father's home in Chapel Hill. I entered the room, and with that kindness which always characterized him, and to make me feel at ease, he called me up and asked my name, and then said, "Well, my boy, I know you, I know your father, I knew your grandfather, I knew your great grandfather, I knew your great great grandfather, and I can go one generation further back, when I was a boy I visited the home of old Judge Williams, your great great grand great father."

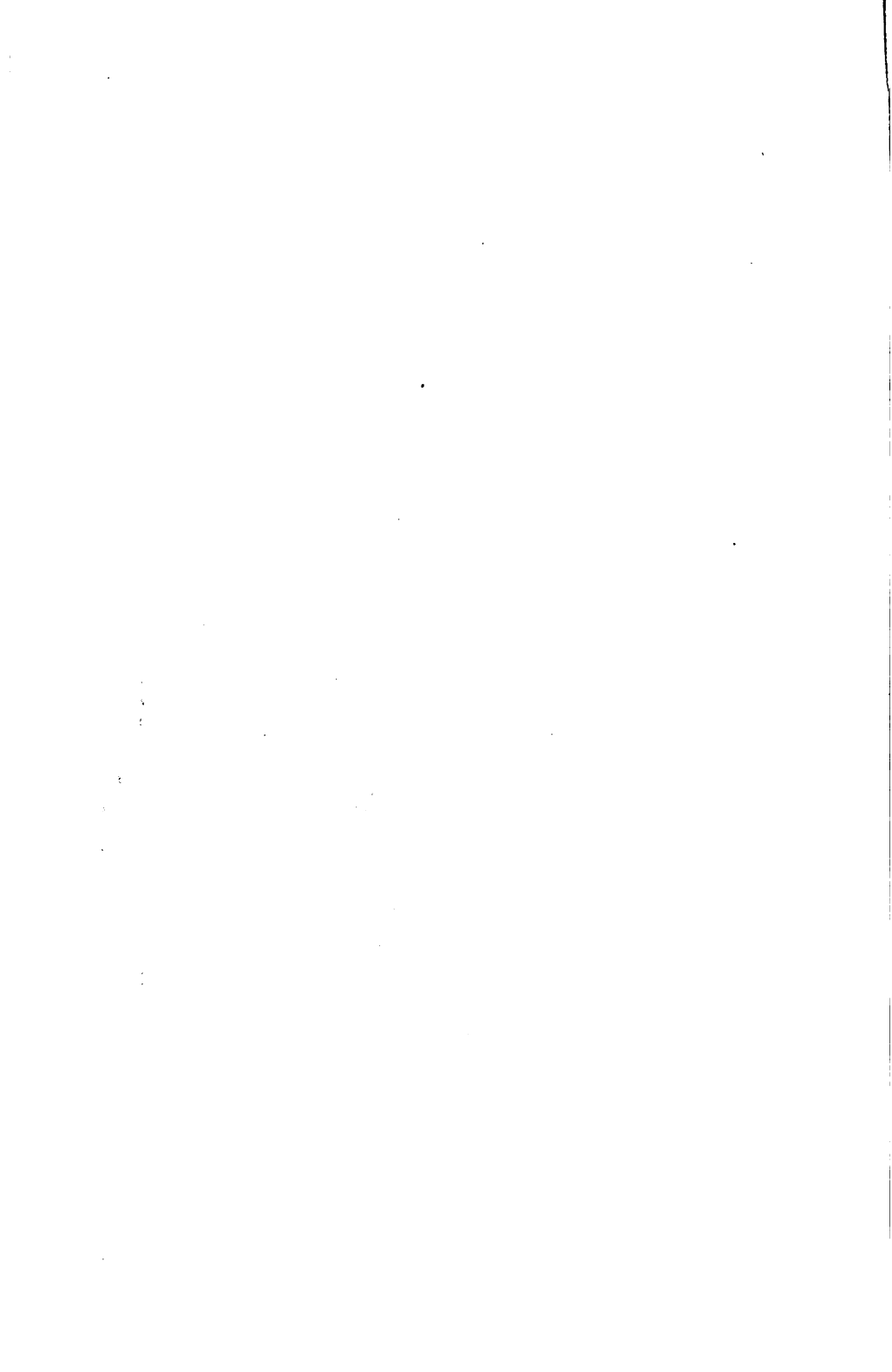
You will understand gentlemen, that in being with the lawyers of North Carolina, I feel that I am among my own people.

The subject chosen by me is, "When Conquest Is a Duty."

I shall avoid discussion of the propriety of our own expansion; that expansion has ceased to be an abstraction and has become an accomplished fact. Whether or not it was wise for us to retain only that mighty rectangle, the territory bounded by the British possessions on the North, with Mexico, the Gulf and the oceans defining our other limits, whether it was wise for us to take Alaska, Porto Rico, the Hawaiian and Philippine Islands; these are no longer practical questions. We have them and any effort to relieve ourselves of any of them would cause complications of so serious a character that it should not be considered for a moment. We thus find ourselves a world power and must meet the issues presented. Whether our ancestors, the great framers of the constitution would have desired the existence of present conditions, we



HON. BURTON SMITH



cannot say, but we can say, that had these bold patriots found such conditions placed upon them, they would have shirked no responsibility, but would have risen to the occasion and to the issues now presented, just as they rose to the issues and sustained the strife in which our nation's cradle rocked.

The men who framed the Mecklenburg Declaration, who fought in the bloody battles of Guilford Courthouse and Cowpens, whose courage and patriotism have been shown on many a bloody field, in the halls of Congress, upon the Bench, at the Bar, would today have feared no consequence when it came to a question of right, duty and civilization, and it is my purpose to seek to show that while the positions enunciated appear to be departures from precedent, yet as a matter of fact they are ultimate right, ultimate duty and that controlled by the same principles which animated our forefathers, we should today seek to lead in making these abstract views international realities.

It is agreed by all authorities on International Law that each sovereign has the right, so far as its own government is concerned, to acquire foreign territory. The constitutional forms of particular governments and the rule by which under those constitutional forms acquired territory is governed will not be considered. The question is, under what circumstance should the greater power eliminate the sovereignty of a weaker power; as to whether the weaker power should be dominated by a protectorate, or directly annexed, will be casually touched upon.

In argument and discussion of moral questions an axiomatic starting point is essential, but to fix that starting point is sometimes most difficult.

By what right does any government exist?

Why should any government continue to exist?

Why does any government continue to exist?

There have been three schools of ethics, the Theological, declaring that moral conduct is obedience to revealed religion; the Intuitionist, believing that there is a natural perception of what is right; and the Utilitarian, denying that we have any such innate perception and claiming on the other hand, that

our conception of right comes from an observation of the course of life and of what is conducive to human happiness. Each school is partly right, for in reaching an ethical conclusion revealed religion, experience of mankind, intuition developed by civilizing processes, all are brought to bear. It should not, however, be forgotten that in enforcing that conclusion, due regard must be had to existing conditions and the laws laid down for human conduct by constitutional authority.

Herbert Spencer says, "acts are called good or bad according as they are well or ill adjusted to ends." This proposition, however, requires the modification which is elsewhere developed by Spencer, that the end should be a right end, and the act although well adapted to that end must not in its accomplishment be incidentally productive of such evils as to make the accomplishment itself wrong. Possibly the broadest and best ethical definition is, "Moral Law consists of those rules of action which best conduce to the ultimate welfare of all of God's creatures."

An act in itself good, if promoted by an unholy motive, cannot in the fullest sense be a good act. This is a national as well as a personal proposition. A conquest cannot in the fullest sense be right, where the conqueror is influenced by lust of power or greed for territorial expansion. Where, however, there is a full realization of the conditions of the conquered and where they require a change, and where the conqueror expects to benefit, not only the world at large, but the conquered people, there is no reason why the incidental glory, territory and power, achieved by the conqueror should be an unholy ambition.

The morality of a conquest is composed of:

- 1st. The motive actuating the conqueror.
- 2d. The effect upon the conqueror.
- 3d. The prior condition of the conquered, and the immediate conduct on the part of conquered, causing the conquest.
- 4th. The effect upon the conquered.
- 5th. The effect upon other peoples of the earth.

The existence of each of the great world powers of today is founded on conquest. The possessors of the soil of each

civilized nation today acquired that possession by destruction at some date more or less remote, of its original inhabitants and possessors.

I lay down boldly the proposition that today all government is founded on might, and that when any government has ceased to discharge its mission to the nations of the earth, its right to exist has terminated and the great powers of the world should terminate it. No nation today is inhabited by the original owners of the soil. In struggles of life, whether it be the Ichthyosaurus among the marshes and seas in an epoch past, or whether it be the North American Indian driven out by the conquering Anglo-Saxon, or whether it be those modern nations barbarically effete, the law of survival of the fittest permits and directs that the fit should survive, even if it be by the destruction of the unfit. Much poetry has been written upon "Lo, the poor Indian," but the welfare of nations and the progress of the world, require that this great continent should be possessed by civilized people. By history it is shown that not even the Indians had original rights in this land. It is probable, nay certain, that every Indian tribe found upon this continent was the destroyer of a predecessor. We have our domain by conquest, and when we cease to discharge our duty, we, as our Indian predecessors, have forfeited the right to continue to occupy it. All other nations hold their territory by conquest more or less recent, and the same principle applies to them; when they cease to discharge the duties of their destiny, their rights in their country cease.

The time has long passed when there can be isolation. In every nation there are numberless people who belong to other nations and the disorder of any nation interferes with the citizens of others.

There are six great world powers, United States, Great Britain, France, German Empire, Russia and Japan. Each of these continues to discharge its mission in life; each has power to maintain itself. Sooner or later, and in my opinion the sooner the better, these great powers will apportion the greater part of the remainder of the earth among themselves, and protect the smaller unapportioned remainder in its integrity.

Spain, Italy, Austria, Greece, Switzerland, Norway, Sweden, Belgium, Holland, and perhaps a few others, should for the present be allowed to maintain their present forms of government. Mexico under the control of Diaz, should remain intact, but if, as is possible, upon his death, revolutions follow, the powers should take possession of and apportion Mexico. China, Turkey, Morocco, the turbulent South American Republics, should by agreement of the great powers be directly annexed to various of the great powers in bulk or in subdivision, or else be controlled under a strong protectorate.

Wharton, Taylor and others, speak of an International Common Law, and an International Statute Law, the latter being made up of international treaties. I question the soundness of the distinction. A treaty might be called statute law as to the signatory parties, but as to others it is not. International Law is continually developing and it should continue to develop. With the Teutonic Tribes there was no such thing as sovereignty over territory, but the migratory family controlled the land where it was that moment located, families gradually merged into and formed tribes, but even then for many years the tribes claimed no fixed territory; but wherever they might be, that territory was theirs, and the propriety of moving from place to place was determined only by the ability to slaughter or exclude all other claimants.

Taylor gives as the sources of International Law:

1. Decision of prize courts, awards of courts of arbitration, and acts of international congresses and conferences.
2. The works of great publicists, who perform the double function of verifying the existence of old rules and of creating new ones.
3. Treaties of alliance, peace, commerce and others defining, declaring, or modifying pre-existing international law.
4. Instructions given by states for the guidance of their own courts and officers.
5. The history of diplomatic intercourse. (Taylor on International Public Law, 39).

But probably at last the best aid in reaching an international conclusion, comes from the works of great publicists, provided

always, that in making deductions from those works, we clearly recognize modified conditions.

The Roman Empire, that marvelous organization, had no international law. She considered herself the world and acted accordingly. The *jus gentium*, while sometimes mistaken for their international law, is recognized by Maine, Cicero, Voigt and Ulpian, and all real students as being simply the privilege extended by Rome to foreigners within her boundaries, each to be governed under certain restrictions by their own laws rather than by Roman Law. The Greek cities had an elaborate and satisfactory International Law, but they were so territorially proximate, and had such mutual relations in so many ways, that this law is not of value to the student of the development of International Law. International Law as we know it, was created and developed by the developing civilization of the Teutonic Tribes, who founded modern nations upon the ruins of the Roman Empire.

It should be borne in mind, that perhaps the largest motive preventing conquest today, is not respect for the weaker country, but the objection of other powerful nations. It is a fact that the peace of the world is menaced, not so much by the power of the great nations, for they and each of them, realize the enormous cost in blood and treasure always a part of modern war. The danger is the small nation which, like the snarling cur, yelps at all who come near, counting always its weakness, its greatest defense. How well was this illustrated in our war with Spain. We had been told time and time again that the insurgents were a nation, that Spanish rule was maintained only along the coast, that the interior was organized and owned by the insurgents, but when we landed, we found no army and no assistance in our fights, and the first disposition we see on the part of the insurgents to be warlike, is, when Spain having been driven out, we seek to enforce some reasonable rule and government upon the Island, and we are then told with that somewhat florid oratory, by which the Latin American People are in the habit of manifesting their courage, that unless we leave Cuba, the Cubans will turn their arms on us. O horrible thought! How was it possible for

our government to exist a single day with so dreadful a danger hanging over it.

Another instance. Venezuela, snarling and snapping at foreign powers, secure in the fact that we will protect her, after obtaining the benefit of our protection, refuses from us a suggestion even of the most friendly sort, as to what deportment she should pursue in the future.

The danger of a conflict between the great powers grows not from their dealing among themselves, but from relations necessarily maintained with the weaker powers. Germany, France, Great Britain and our own country give to the people of territory acquired by conquest, better government, better security in life, liberty and pursuit of happiness, than those people ever had before, and all this without the destruction of native institutions. England today, gives to the East Indian protection in his person, his property, his social customs and his religion. True, she is gradually seeking to elevate him in his social customs and his religion, but this is done not by any punishment enforcing upon him religion or social customs, but by an effort to elevate his ideas and his conceptions. For indeed, at last, the force of the law can never create good character, or good conduct. It may prevent crime and evil deeds, but positive good can come only from an elevation of the mind and soul.

With the exception of civil wars, and they are foreign to my subject, every important conflict since Napoleonic wars has arisen over issues between great powers which were developed by some smaller powers, or has been strife arising over an effort to take all, or a part of weaker nations.

Our war with Mexico was over Texas and its asserted liberty, and we took a large slice of Mexican territory.

The numerous British tribal wars in India and the Boer war were over territory, and after each war, Great Britain acquired the disputed territory.

The Franco-Chinese war in 1866 was over disputed territory, and France got the territory in dispute.

The war of France with Dahomey in 1393 and 4 was over territory, and France took the territory.

Italy, in addition to her revolutions, has had no less than six wars in the last fifty years, and all over disputes as to minor provinces or states.

The Crimean war was due to an effort on the part of France, England and Austria to preserve the balance of power which, was threatend by encroachments of Russia.

The Franco-Prussia war was caused immediately by the question of succession to the Spanish throne. The war between China and Japan was caused by questions pertaining to Korea. The war between Japan and Russia is due to Korea and the Manchurian Province of China.

Any nation with the capacity for good government is entitled to live. Switzerland is well governed and has as absolute right to continue existence as any other nation. But, we are all in constant danger of a great international conflagration, until we fix permanently the status of the noncompetent countries.

The vast territory called China, is loosely composed, and has within its borders millions of people who practically know no allegiance to so-called government. The Russian bear has for years been growling savagely over Manchuria, and had it not been for the courage of Japan, Russia would have seized Manchuria with no further trouble, than that of replying to a few diplomatic protests.

The Japanese, alive with intense patriotism, a few decades ago a fierce and fanatical race, with now a gloss of modernism, have acquired much material civilization and a profound and brilliant knowledge of modern war. They see clearly that something must happen to China and they do not propose to be left out. Germany and France have possessions to the southward and are keenly alive to every move. England has been harassed by Thibet for year; promise after promise has been made and never kept, and England is now pushing forward into the very heart of Thibet. The mission is diplomatic, but the character of the territory through which it goes, is such that an armed force is necessary. And already that armed force has come in bloody contact with the people of the country. This armed force consists of only a few men, but

we may rest assured, that within easy access, are reinforcements so large and so well equipped, that in the event of further trouble, an army and not a regiment, would represent Great Britain. China has been a menace since first commerce became world wide. Each year it grows worse—unscrupulous, incapable, treacherous, and cowardly, China and Chinese people will, sooner or later, involve the whole world in a great war, unless some solution is reached, and the only solution is the dismemberment of China and its partition among the powers. Then and only then will China cease to be a menace; and then and only then, within the period of history, will its people receive proper government.

The Japanese war has already shown that Russia will most probably be driven out of Manchuria. Japan, even if successful in this, cannot reach Russia to seriously wound her for many a year. Should the unexpected happen, and Russia drive Japan into the sea, it would be many and many a year before she could reach and further wound Japan. In either event, the continual struggle is apt to involve, sooner or later, the other powers, and should it not do so, the other powers will sooner or later see the necessity of intervention. Should Russia succeed in driving Japan from the mainland, and succeed in the seizure and conquest of the islands of Japan, she would probably seek to annihilate that empire, which would in its turn call for the intervention of other civilized powers. Should Japan be able to drive Russia from Manchuria and follow the Russian Bear to its frozen den, it would be a great temptation to her to accept the leadership of China and of the yellow race, which far surpasses in number the white race, and menace our entire civilization. Should Japan succeed, I do not believe, however, that she would so far lose her conservatism; but when she sees that every great power after conquest, has taken territory, when she remembers that after her conquest of China she was denied territory, and that Russia, England, Germany and France, each under some varying guise, seized territory, she will very probably feel that her time has come. There is a complication growing out of the fact that if Japan loses Port Arthur, the other three great

powers might be called upon to give up their acquisitions, for that is the treaty between China, Japan and the Powers; all of which means that China, a possible "yellow peril," should such a leader as Genghis Khan or Tamerlane arise is a certain peril by reason of the squabble incident to her territory, now held by foreign nations. China has forfeited her right to continued existence, she is a menace to the world and should be subdivided, and our great republic, having no interest or issue there, is the proper arbiter for the occasion. With China subdivided among the great powers, Turkey wiped from the map and properly subdivided, the Mohammedan powers in the north of Africa deposed, with an agreement that whenever our revolutionary and contentious little neighbors in South America become annoying we should eliminate them, always with the rights of the conquered properly protected, the peace of the world would be established, all menaces would be removed and each of the essentials of an honorable conquest would be satisfied.

Our great forefathers believed that we should remain disentangled from all foreign alliances. Such statesmanship was in that day wise, but the greatest statesman can act only upon knowledge possessed—wisdom is not prophetic, but merely deeply digested knowledge. No revolutionary patriot dreamed of the future of steam and electricity, neither could he dream of the future mutual relations brought on by the world's commerce. Had that great statesman, Jefferson, lived today, I believe he would have considered the views here expressed, as a present day application of the principle originated by him.

It is needless to specify any one of the thousand details of modern commerce, or any of the political complications incident to modern commercial relations. If our commerce is world wide, and our business relations world wide, we cannot remain an exclusive or separate power. As we stand today owning a great navy, with territory so extended that it may well be said of us also, "the sun never sets upon our flag," we are and must be, to maintain our destiny, a vital factor in the solution of the world's problem. When the fearless patriots, whose names go down in history as authors of the

Mecklenburg Declaration, issued that great document, they were making an advance far bolder than would be today the exercise by the great powers of the duty to take real control of the smaller incompetent powers. As a matter of fact, the great powers of today recognize their responsibility for the conduct of the smaller ones, and often it is necessary for this responsibility to be asserted. If we are responsible for their faults, how much better would it be to assume control, *ab initio*, thus enabling us to restrain them from wrong, rather than forcing us to the necessity of unraveling the snarled skein.

The Peace of Westphalia was in 1648 and the next readjustment was the Vienna Congress in 1814; the intimate relations developed between the European powers growing out of the Napoleonic Wars induced Russia to believe that Russia, Austria and Prussia could be organized into a Holy Alliance, the main purpose of which would be to crush out the rising tide of liberal principles in various countries. In accordance with this Austria crushed the Neapolitan Revolution in 1820, and France in pursuance of the same principle, invaded Spain in 1823 to restore absolutism in the person of Ferdinand the VII. And the allies notified Great Britain that as soon as France completed the work in Spain, steps would be taken to terminate the Revolutionary Governments recognized in South America. In this Great Britain declined to acquiesce. Correspondence instituted by Great Britain with our own country resulted in the manifesto written by Jefferson and enunciated by Monroe in which the following language occurs: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe." Taylor on International Public Law; p 19, preface.

This, "The Monroe Doctrine," was the annunciation of a great principle; a principle which seems to me, however, to be greater in its underlying reasons than one hemisphere. The

real principle was the preservation of the balance of power and the right of a great nation to maintain its integrity by preserving the balance of all surrounding nations.

Should the progress of Arctic and Anarctic travel develop territory now unknown, but fertile and desirable, and occupied by savages, that territory would as certainly and perhaps more certainly be subject to the sovereignty of those savages as far as primary ownership is concerned, than any other territory dominated today, by any nation. There would, however, be no question about some great power taking it, the only question would be, which great power would get it. The nations of Europe undoubtedly precipitated the Napoleonic wars, by seeking to take control of the domestic affairs of France, which were in their opinion a menace to their system of government; and they were preparing to assert the same authority over the South American Republics, and would have done so had not the United States interfered. The theory upon which they were seeking this, was that the government, or sovereignty, was invalid and subject to the interference unless, possessed of the attribute which from their standpoint constitutes legitimacy. In their opinion nations were the divine inheritance of their rulers and other owners had the right and the duty, to sustain these rulers. That theory, so far as its then application was concerned, received a death blow from Jefferson, our Secretary of State, when he asserted that every nation may govern itself according to whatever form it pleases, and change these forms at its own will. But the true basis of the theory was that the great nations of the earth have the duty to maintain just and stable governments everywhere; the application was erroneous for they thought sovereigns ruled by divine right; but the basis was right and was asserted by us in the Spanish war which was waged because a foreign power failed to maintain its own government as we deemed necessary.

The greatest acquisition of territory in modern times has of course, been the colonization of the American Hemisphere. This colonization has received consideration at the hands of the Federal Supreme Bench. In the famous case of Johnson and Graham's lessee vs. William McIntosh, 8 Wheaton, 543,

an Indian tribe and the United States had issued grants to the same land. This made the question. Chief Justice Marshall says: "It will be necessary, in pursuing this inquiry, to examine not singly those principles of abstract justice, which the Creator of all things has impressed on the mind of his creature man, and which are admitted to regulate, in a degree, the rights of civilized nations, whose perfect independence is acknowledged; but those principles, also, which our own government has adopted in the particular case, and given us as the rule for our decision.

On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendancy. The potentates of the old world found no difficulty in convincing themselves that they made compensation to the inhabitants of the new, by bestowing on them civilization and Christianity, in exchange for unlimited independence. But, as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle, which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession. . . . However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, becomes the law of the land, and cannot be questioned. So, too, with respect to the concomitant principle, that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in

peace, in the possession of their lands, but to be deemed incapable of transferring the absolute title to others. However, this restriction may be opposed to natural right, and to the usages of civilized nations, yet, if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by courts of justice." 8 Wheaton, pp. 504-515.

Another great Chief Justice, Taney, discusses the same question and uses the following language: "The English possessions, in America, were not claimed by right of conquest, but of discovery, and were held by the king, as the representative of the nation, for whose benefit the discovery was made." 16 Peters, p. 367. This same question has been discussed again in other cases before our Supreme Court, but as these given are the leading cases, their citation is sufficient.

Again, a country actually occupied by foreign military power is recognized as being *de facto* the territory of the conqueror and subject to all the conqueror's rules and regulations until the ultimate fate of that territory shall be determined by treaty. See the United States vs. Rice, 4 Wheaton, 246. The American Ins. Co., and the Ocean Ins. Co., of N. Y., vs. 356 Bales of Cotton. 1 Peters, 511.

I might have burdened this Association with a vast number of citations and authorities, but have not done so, because the number is so large that nothing more than merely citing could be done and this would be useless. It seems to me that it must be apparent that little by little the great powers have been nibbling at the smaller powers; that the colonization of America was really and absolutely a conquest; that the protection of the peace of the world requires an international adjustment of the rights of the smaller powers; that the protection of the smaller powers from a harsh conquest, requires a readjustment; that the protection of the peoples of the inefficient powers requires this.

Instead of doing as has been so often done in the past, conquering under a mere pretext for war, how much better, bolder, and more Anglo-Saxon it would be to come squarely

out and say, "These effete powers have ceased to possess the right to exist, they misgovern their subjects, they are a menace to the peace of the world, we will, preserving always individual rights and liberty, eliminate such governments, take possession of the countries and give to their peoples that which they have not had before, a proper rule."

As I have shown, during the period of the colonization of the American continent, the proposition was asserted by the colonizing nations; this assertion was accepted as unquestionably sound, that non-christian peoples had no rights and for this reason conquest was right. Even this proposition however, was an advance upon the view entertained a few centuries before that time, when it was asserted and was then unquestioned, that any people who had the power to conquer another people, had the right so to do. The earlier nations asserted the right to take wherever they could. One step in advance was made at the period of the colonization of America, it was asserted that only non-christians had no right, and the conquest of them was right. Is it not therefore, far from a retrogression and really a sound and just development of international law, a third step advancing above the other two just given, to say today, "Nations such as China, Turkey, Santo Domingo and some of the South American Republics having reverted to barbarism and no longer discharging their duties among the family of nations have forfeited their right to national sovereignty and are fit subjects for conquest, provided always, that the great nations shall determine among themselves what form this conquest shall take, and shall protect private property, and as far as possible, individual liberty and local institutions to the conquered peoples."

Scarcely a day passes but we see in the daily press allusion to complications due to irresponsible powers. One day it is the Turks, burning and slaughtering in Armenia. Men murdered, brains of little children dashed out upon the nearest tree, women dragged to worse than death. Explanation is demanded, but concert of Europe, the balance of power, demand that the Dardanelles and Bosphorus shall remain as they are. These barbarities so ghastly that by their side, death and hell would

be a dream of Paradise, go on day after day, and year after year, have been going on and will go on forever, unless we rise in our might and enforce with the sword, the destruction of Abdul Hamid, and his empire of polygamy, filth and sin.

Within a week our war ships have been in Morocco; they are now about to go to Turkey. A few months ago while seeking to reconnoitre in Santo Domingo, one of our boats was fired on by insurgents and an officer killed. The entire fleet of our country was recently in the Caribbean. The world thought they were there for peaceful manoeuvres. In recent conversation with a naval officer, I made some allusion to this fact, yes, he said, "our entire navy was there, and we were not there for fun." It had not before occurred to me that they were there for other than peaceful purposes, but I learned from him that trouble was expected at any moment, and with one of the great powers. And when I asked how long before the ships could have begun firing, in my landsman mind, I expected him to say two or three days, which I thought would have been quick work. At his reply I was thunderstruck, for it showed not only the efficiency of our navy, but the imminence of the peril. The reply was, "Our entire batteries could not have been in action in less than ten minutes, but we would have begun firing within two minutes." We are on a veritable volcano, but we realize it no more than the people of Pompeii or Mount Pelee. No more indeed do we realize it than the civilized world realized a week before it began that the titantic struggle between Russia and Japan was about to begin. These things cannot go on; unless the irresponsible nations are quieted, a world war must come, and the only way to quiet them is to take them and control them.

I do not look upon this control of the world as a thing to be desired, but rather as a burden of civilization. Kipling has sung eloquently, "The White Man's Burden," and certainly, we of the South know what a part of that burden is, and akin to it, is the burden resting on the great nations, to control the world. This will not come today; there will be a struggle in its acceptance, but the national problems will approach a solution in accordance with the development of the individual. Man

is a fighting animal, the Anglo-Saxon is a colonizing race. It will be many a year before the love of strife for strife's sake has ceased, but if the strife is directed toward the control of those nations which need control, we should look forward to a gradual international development as rapid as the development of individual will permit, resulting ultimately, in the domination of the world by the great powers, and the elimination of armies, except such as are needed for the control of revolutionary elements, an ultimate international congress, and a world living in peace, happiness and brotherly love.

Our nation has done more to shape modern international law, than any other country. We first really enunciated the doctrine fixing rules of neutrality in the time of war. The Monroe doctrine was the first real enunciation founded on sound reason, of the right of a great nation to assert authority within the sphere of its influence, maintain the *status quo*, and in the great evolution of international law which is gradually taking place and which must eventually assert and sustain the position which I have taken, no nation is more appropriate than America, to announce and defend these positions; no where in America can these positions be asserted more appropriately than in Mecklenburg where the first great Declaration of Independence was issued; in that State the first in which an American Colony was planted, that State whose regiments led the long lines of heroic men in the great charge at Gettysburg; that State, calm and strong, slow to quarrel or complain and ever ready to die for conviction and conviction's sake.

LAW AND LAWYERS IN WASHINGTON STATE.

By R. C. STRUDWICK, of the Greensboro Bar.

Mr. President, Ladies and Gentlemen :

It is a far cry from North Carolina to Washington. Take a map of the United States and draw a line from Albemarle to Puget Sound, and you have, perhaps, the longest one that can be extended thereon. It has been my fortune to practice law, in each of these States, for a considerable length of time. When therefore I was honored by an invitation to address you upon this occasion, it occurred to me that some account of the Law and Lawyers of the far northwest, might be as acceptable as anything which it was within my power to offer.

The pioneers of Washington came from the section of the country, now known as the middle west. Indiana, Illinois, and Iowa contributed most of those, who, following closely in the footsteps of Lewis and Clark, made the first clearings in the stately, sombre, and then unkroken forests, which from their encircling hills, look down upon the dark and placid waters of Puget Sound. The Oregon Donation Act passed by the Congress on February 27, 1850, gave to every settler within the specified domain, including Washington, 320 acres of land if unmarried, and 640 acres, if married. This generous legislation was the powerful incentive, which, in the early fifties drew men and women by the hundreds, from their homes on the then frontier, to tempt the dangers and the hardships of the vast wilderness "where rolled the Oregon, and heard no sound save its own dashing." At this time, Great Britain claimed sovereignty over this whole region, and the government of the United States, strangely ignorant or careless of its enormous value and importance, was resisting this claim in only a perfunctory way, deeming the whole territory in dispute, but a barren and rocky wilderness, not sufficiently important to justify a serious contention. Such was the opinion of Mr. Webster, and of other statesmen of almost equal distinction.

At this critical juncture, Marcus Whitman, a pioneer then living in Washington Territory, fired by the ardent patriotism, and sustained by the undaunted courage, which were characteristic of his class, made his way, alone, on horseback, from his

far western home to Washington City, and laid before the government, a true and adequate statement of the resources and extent of the domain, which it was about to surrender to England. This heroic act secured a reversal of the policy then being pursued, and preserved to us forever, that great and fertile region, now known as the Pacific northwest. These pioneers were Anglo-Saxons of toughest fiber, and sturdiest type, land hungry, order preserving and liberty loving. They carried with them the laws and customs, with which they had been familiar in the middle west, and which their ancestors had, in turn, brought with them, from the Atlantic seaboard. As a result, the Common Law of England, adapted to the changed conditions of society, is found flourishing in its pristine vigor, in the commonwealth, which they founded.

It is there enacted that "The Common Law, in so far as it is not inconsistent with the Constitution and laws of the United States, nor of the State of Washington, nor incompatible with the institutions and conditions of society in this State, shall be the rule of decision in all the courts of this State." This declaration is identical in spirit and in its general scope, with that made by our ancestors, in regard to the Common Law, as early as 1715.

The most striking departure from common law ideals, to be found in the jurisprudence of Washington, is in regard to the property rights of husband and wife. Dower and curtesy are unknown to the law of that State, and the entire system of rights, arising out of this relation, as we understand them, has been abrogated, and the law of "Community Property" has taken its place.

This law is said to have been originally derived from Spain, where it has prevailed from a very early period. It appears in a Spanish Code, which dates from the seventh century, and is supposed to have taken its origin from an amalgamation of Roman and Gothic laws.

It is interesting to note, that this is the most ancient Code of Teutonic origin, which has retained any part of its influence to the present day. That this influence is considerable still, appears from the fact, that, in its essential features, it is now the law governing this, the most important of domestic rela-

tions in Louisiana, Texas, New Mexico, Arizona, California, Nevada, Idaho and Washington.

The central idea of the community system is, an equal division of all matrimonial gains, between the spouses. When a marriage takes place, the husband as such, acquires no interest present or future, vested or contingent, in any property then owned by the wife, and the same is true as to the wife, with regard to the husband's estate. All property, real and personal, and the avails thereof, acquired by either after marriage, except that acquired by gift, devise or inheritance, is community property, and belongs to the legal entity, known as "The Community" composed of husband and wife, with right of survivorship, on failure of issue. So that it will be seen that there is created a kind of marital partnership, differing in many respects, not necessary to be here enumerated, from a partnership properly so called, yet possessing many of the incidents of that relation. The husband has the management and control of the common real estate, and he is entitled to receive and expend the profits thereof, without being accountable to the wife, but it can be conveyed only by "the community," that is, by husband and wife, jointly. Either spouse may by will, dispose of one-half of the common property. The husband has the right to sell or otherwise dispose of the community personal estate, without the concurrence of the wife. All property owned by either spouse before marriage, or acquired by either, after marriage, by gift, devise or inheritance, is the separate estate of such spouse, and as to it, each retains the same power of disposition and control, as if no marriage had taken place. The community is dissolved by death, or by divorce. In case of divorce, which sometimes happens out there, the court annulling the marriage has jurisdiction to make an equitable division of the common property, in the decree which it renders, between the parties to the action. In case of death, if there are no children and there is no will, the surviving spouse takes the whole of the common property as survivor. If there are children, they take the share of their deceased parent, by descent.

The foregoing is a brief outline of the Community Property system; an ill advised attempt to blend two systems of law,

not only diverse but antagonistic, the Latin and the Anglo-Saxon.

So far as my experience and observation extend, it is not, in its practical administration, an improvement. The common law system is more direct and simple, less productive of contradictions, and refinements, and better suited to the genius of an English speaking people.

Washington is a Code State. It adopted that system of procedure shortly after New York in 1848, led the way, and it has never known any other. The provisions of its Code are identical in the main, with our own. Both seem to be copied from the New York statute, the masterpiece of David Dudley Field, and a monument, more enduring than brass, to that great pioneer in legal reform.

An action is begun by issuing a summons. But the attorney for the plaintiff issues and signs it, the clerk of the court has nothing to do with it, at this stage of the proceeding. The summons, with a copy of the complaint, is then served upon the adverse party by the sheriff, or by any disinterested party of competent age. Within the time limited for that purpose, the defendant, in like manner, serves such pleading as he desires, upon the plaintiff's attorney. None of the papers in the case are filed, nor is the case docketed until one of the parties desires some action taken therein, by the court. If the case stands on motion or demurrer, and either party desires to have the matter decided, he proceeds to docket the case with the clerk of the court, and to notice it for hearing, he also files such of the original papers as are in his possession. The adverse party, thereupon, is required to file such of the original papers as he has, and the matter is then, in due course, heard and decided by the court. The same course is pursued where an issue of fact arises upon the pleadings.

This system, in practice, works well, and is in great favor with both bench and bar. One of its advantages is, that a suit can be brought and settled without publicity, no one being aware that the defendant has been sued except the parties immediately interested; and so, that injury to the credit of a business man, which often arises from the very fact of his having been sued, regardless of the merits of the con-

troversy, is avoided. As the only office of the summons is to give notice of the action, no valid reason suggests itself, why such notice, in the form of a summons, may not be given as well and effectually, to all intents and purposes, by the attorney, as by the clerk. It is true that this method requires the service of copies of all papers on the adverse party, but in these days of typewriters, when manifolding is done so easily and so cheaply, the service of copies works no hardship, and it tends to prevent surprise, misunderstandings and delays.

Though there is but one form of action in Washington State, yet the line of demarcation between actions at law and suits in equity is preserved, to this extent; causes of equitable cognizance are tried by the judge, sitting as a chancellor, without the intervention of a jury, except as he may, at his election, eliminate issues and submit them to a jury for the enlightenment of his conscience. Actions at law are tried as with us, before a judge and a jury of twelve men, upon the issues arising on the pleadings. No issues are eliminated however, in the form of distinct questions of fact, to be answered by the jury as their verdict. The judge charges the jury generally, upon the whole case, explaining to them the law concerning the pivotal points of the case, and the jury are thus permitted to exercise their statutory privilege, and to find a general verdict, that is to find generally, for the plaintiff, assessing his recovery at so much, or generally, for the defendant.

The provisions of the Washington statute under which the jury are accorded and exercise this right, are identical with our own. It defines verdicts, (as does ours) as follows: "A general verdict is that by which the jury pronounces generally upon all or any of the issues, either in favor of the plaintiff or the defendant." It provides, as does ours, "In every action for the recovery of money only, or specific real property the jury may in their discretion, render a general or special verdict," and further, "in all cases the court may instruct them, if they render a general verdict, to find upon particular questions of fact to be stated in writing." Bearing in mind these provisions of the statute, the Washington practice appears to conform to the requirements of the Code, and our

own, to disregard them. Under our practice all verdicts would seem to be special, as defined by the Code, that is "they find the facts leaving the judgment to the court," and it would appear that the jury, under our interpretation of the statute, are deprived of their undoubted right to find, in certain classes of cases, a general verdict, that is, as defined by the Code, one "by which the jury pronounce generally upon all or any of the issues either in favor of the plaintiff or defendant."

The jury may in Washington, render a majority verdict in all civil actions. If ten of the jury agree, their finding is taken and recorded as the verdict. This innovation works well. Hung juries are less frequent, and sinister attempts to tamper with juries are discouraged. When a unanimous verdict is required the jury "fixer" need corrupt only one man. Under this system he must corrupt three, and the difficulty and danger of the attempt are greatly increased.

When we remember that, in theory at least, the object of a law suit is the ascertainment of the truth of the matter, much may be said in favor of the practice which obtains in Washington, of propounding interrogatories to the adverse party.

After providing, as ours does, for the examination of the adverse party as a witness, either on the trial, or below it, the statute there goes further, and it is enacted:

"Instead of the examination being had at the trial, the plaintiff at the time of filing his complaint or afterwards, and the defendant, at the time of filing his answer, or afterwards, may file in the clerk's office, interrogatories for the discovery of facts and documents material to the support or defense of the action, to be answered on oath by the adverse party.

"Such interrogatories shall be answered, and such answers filed in the clerk's office, within twenty days, after the same are served on the party interrogated, unless for cause shown, further time be allowed by the court, or a judge thereof.

"A party to an action or proceeding, having filed interrogatories to be answered by the adverse party, shall not thereby be precluded from examining such adverse party as a witness at the trial, nor from taking his deposition to be read at the trial.

"The testimony of a party . . . upon interrogatories filed, may be rebutted by adverse testimony.

"If a party refuse to . . . answer any interrogatories filed, his complaint, answer or reply may be stricken out, and judgment taken against him, and he may also, in the discretion of the court be proceeded against as in other cases of contempt; provided that the preceding sections shall not be construed so as to compel any person to answer any question where such answer may tend to criminate him."

The advantages of this practice are many, it is simple, direct and inexpensive. It is a substitute for the old bill of discovery and it serves all the purposes of that cumbersome and now obsolete proceeding.

If often becomes the painful duty of some of us, to sue some railroad or other corporation for damages, or may be, some insurance company, on a policy, or some other cause of action. It often happens that such corporation is a foreign one, with its principal office in New York or perhaps in New Jersey. It is probable that there are certain material facts within the knowledge of some of the officers of the company about which plaintiff naturally desires to be informed, and for the ascertainment of the truth of the matter, is entitled to know. Or it may be that he wants a copy of some document in defendant's possession, but is unable to specify just which one of the many officers has charge of it.

Under the Washington statute, all he has to do is to file his interrogatories, and his natural and laudable curiosity will be satisfied.

It is true that under our statute, an officer of such a corporation may be examined before trial, and may be required to produce documents, but very often the plaintiff is ignorant, just what officer or agent has the desired information, or has charge of the particular document, or perhaps the officer is not within the jurisdiction of the court. In such cases the machinery we have, is ineffectual, and in cases to which it is appropriate, it is cumbersome and not often employed.

Nor are the benefits of this practice confined to plaintiffs, nor to cases against foreign corporations. It is a tool efficient

in ascertaining the truth, in favor of corporations as well as against them. It is an efficient implement to be used in turning on the light, and its adoption into our law, would, I believe, be to the advantage of every litigant having a just cause either to prosecute or to defend.

As a whole, the lawyers of Washington reflect credit upon the State; this applies equally to the bench and the bar.

A lawyer from that State recently sat in the Senate of the United States, and was recognized as amongst the foremost there, in point of legal ability and acquirement. Although a democrat, he was sent by the present administration to England, as a member of the Anglo-American Commission, which adjudicated the question of the boundary between Alaska and Canada, and he acquitted himself with credit, in that high station. There are others who rank but little below him, as lawyers. But there is a prodigious number of lawyers there; and they come from every vocation and walk in life, and from almost every section of the country, and former policemen, dishwashers, longshoremen, peddlers have forsaken their callings, to enroll themselves in the ranks of the profession. On the other hand, there are many men of fine mind and special training, graduates of the best universities of this country and Europe, to be found practicing law in every city on the Pacific Coast.

Amongst a Bar so numerous and composed of elements so varied, the shyster lawyer is, of course, to be found. Indeed it may be questioned, whether he flourishes anywhere, to quite the same extent, that he does on the Pacific slope. The soil and the surroundings are congenial, and he abounds accordingly.

A story told out there may illustrate the methods and point of view of these gentry.

An old and ignorant squaw had an apparent valid title to a very valuable tract of land. A wealthy white man had obtained possession of it, and denied her claim. She brought an action against him to recover it, and while it was pending, the defendant, probably being advised, that if the case was tried, he would lose it, employed one of these gentlemen specially, to effect a compromise. The lawyer went to the old Indian's

cabin, taking with him some whiskey, beads, red calico, and other trinkets, and for these, he procured from her, without the knowledge of her counsel, a deed conveying all her title to the land, worth thousands of dollars. This put an end to the case, for although such a deed would, upon the facts being shown have been cancelled, yet similar methods would have probably procured another release and quit claim, if the attempt had been made, to set aside the first one, for fraud.

When the defendant came to settle with this attorney, he was informed that his bill was \$250. The client remonstrated. He told the lawyer that he was not the regular attorney in the case, that he had been employed only for a special purpose, and on that occasion only, and that not more than one hour had been consumed in doing all that he had done about the case. But the lawyer was obdurate. He said, "That may all be true, but I won't do a *dirty job like that* for less than \$250."

The bill was paid.

Political considerations, everywhere too influential in the selection of judges, entirely control that matter in Washington, and consequently some men of very little training or fitness for the position are elevated to the bench.

As a result of a hotly contested political fight, a young man, barely twenty-one years of age, was elected judge in an important city on Puget Sound. Though he had a license, he had never been suspected of having any knowledge of law, and of course he had no experience as a practitioner. One of the first cases to come before him, was an important one, involving complicated questions of estoppel. A learned and sarcastic veteran of the bar was counsel for one of the parties, and his disgust, at having to argue his case before this callow youth, was profound. When the case was called, he arose, and with the utmost gravity and decorum of manner, began his argument thus: "Did your Honor ever *happen to hear of* the doctrine of estoppel?"

His Honor's answer to this query is not recorded, nor is the result of the case, but probably our brother lost it, in that court at least, and had cause to remember with others, disposed to be sarcastic at the expense of the court, that the judge, after all, has the last word.

SUPERVISION OF QUASI-PUBLIC CORPORATIONS.

By JULIUS C. MARTIN, of the Asheville Bar.

Mr. President and Gentlemen:

In selecting the subject of this paper, it was not my idea to attempt any extensive discussion of the legal principles by which the corporations referred to, are governed, but rather to give expression to some thoughts, which it is believed, if put into effect would prove to be of benefit to the people as well as the corporations,—would result in better public service, less agitation and friction, and more profit to the men who invest their money in the corporations referred to.

By Quasi-Public Corporations I mean those capitalized private corporations whose duty it is to serve the public in some capacity; those which owe some specific duties to the public.

The ones I shall particularly refer to are, water companies, gas companies, electric light and power companies, telephone companies, city and suburban railway companies, telegraph companies, and commercial railroad companies.

“It cannot be disputed (said the U. S. Supreme Court, in U. S. vs. Freight Ass. 166 U. S. 321) that a railroad is a public corporation, and its business pertains to and greatly affects the public, and it is of a public nature. The company may not charge unreasonable prices for transportation, nor can it make unjust discriminations, nor select its patrons, nor go out of business when it chooses, while a mere trading or manufacturing company may do all these things.”

The same may be said of the other corporations mentioned above. It cannot be denied that they have powers and privileges obtained from the public, and owe duties to the public, widely different from those of a purely private corporation. They are usually given the right to condemn private property, and appropriate it to their own uses, to occupy in an exclusive manner a certain portion of the streets and highways of the people, and always to charge reasonable compensation for services rendered; and, in return for these privileges, they are, or may be, required to serve the public, by furnishing, without discrimination, the public utility for which they are organized.

The power of the legislature should be freely exercised in relation to these corporations to protect the rights of the people. The public character of the corporations calls for special care by the legislature in regard to their conduct so that their business shall be conducted fairly to the public. At the same time the rights of the corporations must be as zealously guarded and protected by the law.

The charter and franchises granted to these corporations form contracts of the very highest nature between the people on the one hand, and the individuals who put their money into the corporations, on the other. The rights of the parties to the contract are equal, and the stockholders and bondholders should be as faithfully protected in their property rights, as are the general public in theirs. This seems to be the "theory" of all governments, and the "practice" of none.

Probably no one would be so foolish as to contend that the existence of this class of corporations is not, now-a-days necessary to the general welfare. The business carried on by them, in the very nature of it, cannot be conducted by individuals. It requires too much capital for one or a few men. The uncertainty of life, and complications arising in cases of death, or insolvency, render partnerships impracticable. So let us concede that their existence is necessary to the business world.

Probably the public utility corporation which most interests the inhabitant of the town or city, is the water company. In many localities the water companies own and control the means of supply of that necessity without which no life can exist. In fact the water company deals so nearly with all the people, and furnishes such a prime necessity, that a great majority of the people, no doubt, favor the entire elimination of such corporations by municipal acquisition and ownership of all water plants: and this, I think is true in this State, notwithstanding the fact that a lately reversed decision of our Supreme Court laid down the doctrine, that an expenditure for a water plant, by a large and prosperous municipal corporation of the State was not a necessary expense under article 7, section 7, of the State Constitution. It is argued by many and with great force and reason, that no town or city should

permit any man or set of men to control its water supply. Whether municipal ownership of water plants is the proper thing or not, is not the question now under discussion, and the arguments for and against will not be iterated here.

But as to the property of the other corporations mentioned, clearly, there is not the same necessity for government or municipal ownership. None of it is so absolutely indispensable to life or happiness. Much of it is necessary, and all of it convenient, but certainly none so important as water supply. So long as our governments, local, State, and national, are run by politicians of the latter day type, the citizenship, it seems to me would commit an egregious error, to give them the multiplied increased opportunities for spoil and graft, that would necessarily follow such ownership.

The day may come when municipal and government ownership of all public utilities will be the proper thing, but it appears to me to be a long way off at this time. It must not come until our public service is purified, strengthened, buttressed and upheld by political integrity.

My position is, that through efficient supervision of public service corporations, most if not all, the actual abuses, now complained of, in connection with this class of corporations would be eliminated,—while I believe that government ownership even if it were possible, extended to all public service corporations, would at this time be a public calamity.

Water companies and gas companies, with their pipes, and appliances, under our roads, ways, streets, and private property, operate in very much the same way, and as the population of the towns and cities increase, the business will be increased and extended, and become more and more important to the public and the corporations.

With the increased uses for gas, comes larger expenditures of money in its making and transmission, and more difficulties in conducting the business. So it is with electric light and power companies. Besides furnishing lights for houses, buildings, and streets, and motive power for all sorts of machinery, used in business, they now propose to enter our homes, and supply many "a long felt want" of the housekeepers. And

by means of the electric current used for an ordinary 16 c. p. light, to boil the tea, heat the smothering irons, warm the curling irons, turn the family sewing machine, cool the mistress of the needle, and I suppose they will ere long "rock the babies in the cradles."

The telephone comes in to supply so many of our wants and conveniences, that it is as close to us, and as necessary to our comfort, as any other one thing.

The great locomotive plunging over the iron road at the rate of sixty miles an hour, is too slow to carry our business and social communications. The electric telegraph transmitting our messages across the continent, in a few hours, is not quick enough for these days of "strenuous men" and "strenuous living"—"strenuous to the breaking point." We have a simpler, readier, and quicker method. We call up "central," and she puts us in speaking distance of all the world, at the rate of "ten cents and up" per minute.

I shall not speak further of the wonderful means, of transmitting our communications, lighting our houses, etc., except to say that the changes brought about by them in the manner of our being and doing, there should follow corresponding changes in the "laws of the land," so as to adapt them to the necessities and emergencies of the situation.

We have also that incomparable method of transportation over short distances, the electric railway, and I refer here to those which do only a local business. I will speak for a moment of the progress of this delightful class of transportation facilities. I say delightful, because taking them all in all, the electric car is the most enjoyable means of transportation for short distances over land, that has yet been invented.

The progress of these roads in the United States since 1888, has been astounding. The first electric railway system in the world, was constructed in the city of Richmond, Virginia, and completed in the year 1888. The next system operated in the South, was in our own State, in the year 1889, and in the city of Asheville. I had the pleasure of seeing the first trial trip of the first car on that road.

This State has now some seventy miles of electric railroad,

and in the United States are many thousand miles. The electric cars are the poor man's carriage—the vehicle of the people. They have brought the country into town for business, and taken the town to the country for residences. They have added untold wealth to the suburban land owner, and multiplied many times over, the convenience, economy, and pleasure of travel.

All of these corporations are of immense importance to our welfare. They come marvelously close to us. We are in direct contact with them every day. They are a necessary ingredient of our existence.

These companies, the water company, the gas company, the telephone company, the electric light and power company, and the city and suburban railway, must in order to transact their business, and serve the public, acquire peculiar rights and privileges from the people. It is necessary and proper that they should obtain them, and having gotten them, they should serve the people as a part of the compensation therefore; and in turn the men who invest their money in these hazardous undertakings, should be fully protected in their rights. Too often it is, in the United States that the business of these companies becomes an issue in the municipal campaigns, and as a result both the companies and the people are made to suffer, while the politicians wax fat. State supervision would remedy most, if not all of this.

I have also another observation concerning these local quasi-public corporations. The nature of the duties they are required to perform, and the rights and privileges necessary to enable them to perform those duties, render each of them an essential monopoly. Every water company, every gas company, every telephone company, every electric light and power company, and every city street railway company, is a natural monopoly. They build on the streets, over the streets, and under the streets. No two can occupy the same space at the same time, and in fact, we do not wish them to do so. No man wants to use two telephones, especially when one can be made to serve him better than two, and at half the price. No man wants two gas companies, or two water companies, doing

business in the same vicinity in his town. Two systems of street railways are a hindrance to any town, bringing greater disturbance to the streets, more discomfort to the inhabitants, more expense to the people, poorer service, and less profit to the owners. The same may be said of all other local quasi-public corporations. All are monopolies. Competition is generally impracticable. I for one, am in favor of this kind of a monopoly as a general rule, not existing as a matter of legal right, but by permission of the supervising power, unless occasion arises where it is clear that through competition under peculiar circumstances, the people would be benefited. I know it is not popular to encourage monopolies. Most people and especially candidates are afraid of them, but I believe in recognizing a plain economical truth, even in politics. I want no competition in any of these businesses, in any town where I live. I do not see how any one can. If one company cannot be made to perform its duty, and serve the people, the entire business should be given to another that will do so.

But some will say, "The Constitution of North Carolina condemns monopolies, and says 'Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed,' what will you do with that?" Why, I would change it if necessary. Man was not made for the Constitution, but the Constitution was made for man. The men who prepared it, had little or no conception of the telephones, the electric power, the electric lights, and the city street railway. If they had, they might have written it differently. Again, I think we are justified in saying that this clause of the Constitution does not apply to such a monopoly as is herein referred to, existing as such only by permission of the supervisory power, and only so long as they serve the people faithfully. The legislature many years provided for making monopolies of "Public Ferries and Bridges" for the benefit of the people. I do not see why the same principles of law may not be applied to all quasi-public corporations. They are of the same nature and rest upon the same general principles.

Then why should we not have monopolies, in all these local quasi-public corporations, so long as they faithfully serve the

people, and, with them, laws protecting the people in the matter of rates.

But some will say, "How will you protect?" I would answer "By State supervision of all quasi-public corporations engaged in Intra-State business." We have it now to a certain extent through the State Corporation Commission, the first act on the subject having been passed in the year 1891. I would enlarge the powers and duties of this commission. I would give it supervision over all these local corporations. I would provide that the franchises, or rights of way of such corporations, obtained from the towns, cities, and other local authorities, should be first passed upon and approved by the supervising power, after notice and hearing of all parties interested. I would see to it that the stock and bonds of these companies were issued only for money or property at a fair value. I would see to it that the companies charged only such rates as would bring them a fair and just return upon their investments, taking into consideration the uncertain and hazardous nature of their business. I would see to it that the companies give a good, reasonable service to the people, considering all the circumstances, and in turn, I would see to it that the property of the companies was protected, their franchises put out of reach of hostile or unreasonable boards of aldermen, and other local authorities, and that unreasonable and unnecessary burdens were not put upon them, and lastly, that so long as the companies were serving the public faithfully and justly, both the companies and the people were protected from the evils of competition. In other words I would make each of these local public service corporations a monopoly in its own territory, so long as it lived up to its duties, and protect the people from all injury in consequence thereof. As a result, the people should have better service and cheaper rates, and the companies would be protected from financial embarrassment and disaster brought on by unreasonable burdens imposed by local authorities, and unwise competition, the losses in which the people in the end must pay.

There is another reason why I favor supervision. All thinking men must admit that one of the problems of the

country is the matter of public service corporations. In order to remedy the evils that have arisen, many people favor municipal and government ownership of all public utilities. The unquestioned tendency of political thought is in that direction. This tendency has been increasing from year to year until a number of States have passed general laws providing for municipal ownership of certain public utilities such as gas, electric light and street railroad companies, and many special acts have been passed on the subject.

Our own State's experience in this business, and especially the recent Atlantic and North Carolina Railroad affair, is not such as to encourage such ownership among our people. And I believe that through proper supervision most, if not all existing evils in these matters would be corrected, and government ownership avoided.

The states of the world have always reserved a supervisory power over their corporations. Our own State railway business so far as local transportation is concerned, is very successfully supervised. Both the people and the railroad companies appear to be satisfied with it.

In Massachusetts a state board known as the Board of Gas and Electric Light Commissioners has for some fifteen years supervised the gas and electric light business along the lines herein mentioned, and there has been little complaint, either from the companies or the people. So satisfactory has it been, I was told by the secretary of that board a few years ago, that there never had been an appeal from a decision of the board to the other courts, although the right of appeal exists in all cases.

It may be said that there is now a remedy through the courts for the correction of abuses arising in these matters. But the action of the ordinary courts of law and equity, is too slow, complicated, technical and expensive, for the remedy needed. As the courts of equity had their origin, in that the courts of law were not sufficient to protect and enforce the rights of the people, so, supervising boards must come to correct that wherein equity is deficient.

And now while most of these industries are in their infancy

in this State, is the opportune time to lay the foundation for future safety to the public, and substantial prosperity to the corporations. Let the corporations build upon the principle of fairness to the public, knowing that they in turn shall have fairness at the hands of the people; that their investments are protected under the law; and that the property acquired by them, including their franchises, is as much theirs, as the property owned by the individual, or ordinary manufacturing or trading corporation, subject only to the rights of the people to be served, for a reasonable compensation.

But by far the most important branch of my subject is that of supervision by the general government of all quasi-public corporations engaged in inter-state commerce, and especially the transportation companies. I confidently believe that such supervision would solve many of the problems of trust and combination, capital and labor, and restore to the individual, and small dealer, the opportunity and independence taken away by the present system.

The Congress of the United States in the passage of the anti-trust law of 1891, and in other legislation on the subject, and the Supreme Court of the United States in its decisions, have proceeded upon the idea that competition is the all sufficient protection to the people in rates of freight and passengers' traffic, and in all inter-state commerce. Under the law as now written, rates are allowed to be lower where there is competition, than they are where there is none. But the day has come when competition is not sufficient protection to the people. Really there is no competition in inter-State transportation, except among the most populous communities, largest cities, and a few other places peculiarly situated. The ordinary sized cities and towns, and the country districts, have no competing railroads, or steamboat lines. They have no benefit from whatever competition exists. How does competition affect the people in North Carolina? Where is there competition in passenger or freight rates? There is practically none. There are hardly more than a dozen communities in the entire State, where there is more than one railroad company in operation, and in those no actual competition is

observed. It is said that the entire State is discriminated against, having much more burdensome freight rates than Virginia and Georgia. In fact competition over land in inter-State commerce seems to have proven to be a dream. The people no longer expect it. If the railroad companies had acted upon the idea of competition in the past instead of that of community of interest they, in all probability, would have given far poorer service to the people, and would have been much worse off. The natural tendency has been away from competition. In truth, a railroad is a natural monopoly, and because it is such, competition is a totally inadequate remedy for poor service or excessive rates.

As far back as 1874, the Window Committee in a report to Congress on the trust question, recommended the building and operating by the United States government of one or more double-track railroads across the entire country, to compete with the private companies and keep down abuses in transportation. Happily to my mind this suggestion was not adopted. It would have been the entering wedge to government ownership of all railroads. It has been shown that the great oil trust, whereby the ownership of all the oil business in the country was acquired by one company, was based on favoritism secured from the railroad companies.

At one time Mr. Rockefeller's company had a rate of ten cents per barrel for oil shipped over the railroads of the country, while all other persons had to pay thirty-five cents per barrel, twenty-five cents of which the railroad companies paid over to Mr. Rockefeller's company in the way of draw backs. In this way by the aid of the railroad companies the Standard Oil Company was enabled to crush all opposition, and acquire all the oil business of the country. Other instances might be cited.

The inter-State commerce commission act as construed by the United States Supreme Court, permits what to my mind is a most absurd and peculiar method of discrimination, in freight rates. Take the case of the Inter-State Commerce Commission vs. Louisville etc., R. R. Co. 190, U. S. 273. In that case the Commission ruled that freight rates to LaGrange, Ga.,

which was nearer to New Orleans, the shipping point, than Atlanta, Ga., made up of the rate from New Orleans to Atlanta, and increased by the local rate from Atlanta back to LaGrange, were unreasonable, and unjustly discriminated against the citizens of LaGrange.

It seems to me that this decision was correct, since the Atlanta freight passed through LaGrange and was hauled seventy-one miles further than that to LaGrange. But the Supreme Court held that under the Inter-State Commerce Commission Act, the railroad companies were allowed to make any rate they wish to make to a competitive point, and charge the communities where there is no competition a higher rate for a shorter haul, provided the rate itself was not unreasonable, and thus reversed the decision of the Commission. So under this ruling, the communities having competition are allowed lower freight rates than those having none.

When the Court held in the case of Louisville, etc., R. R. Co., vs. Behlmer, 175 U. S. 648, that the carrier in fixing rates, might take into consideration "competition as the producing cause of dissimilar circumstances and conditions," mentioned in the statute, then the usefulness of the present statute on the subject was, to my mind, practically destroyed.

An inter-State commerce commission act which allows a carrier to charge a citizen of Charlotte, for example, on freight shipped from New Orleans, La., to Charlotte a rate equal to the rate charged in Norfolk, Va., plus the rate charged from Norfolk, Va., back to Charlotte, when the Norfolk freight passes through Charlotte, is, to my mind, worse than no statute at all on the subject. Such regulation permits the taking of one man's property for the benefit of another. It permits the railroad company to charge a rate at Norfolk less than cost and to make up the loss on Charlotte. It permits the public highways (railroads are highways) established by law to be used so as to oppress one man for the benefit of another.

My point is, that every community should be allowed the same rate. I see no reason why the small dealer who receives only one carload during the year should be charged a greater

rate per carload than the dealer who receives a thousand carloads during the year. Railroad companies are servants of the people, and all of the people are entitled to equal treatment at their hands.

An inter-State commerce commission, having power to supervise the entire inter-State railroad business, to fix fair and reasonable rates and charges, to prevent discrimination, rebates and drawbacks, and to correct all other abuses arising out of the business, is imperatively demanded for the welfare of the people.

If the Supreme Court of the United States, in the decision above referred to, is right in saying that a railroad company is a public corporation and should not discriminate against the patrons, then the Congress of the United States and the State Legislatures should pass laws prohibiting the giving of free transportation or reducing rates to any man. Whether true or not, it has been said, and is almost universally recognized as true, that the railroad companies habitually furnish free transportation to Presidential parties, United States Senators and their families, members of the House of Representatives, Judges of the United States Courts and many others "in authority over us." They certainly furnish free transportation to many persons, including their own officers, agents, attorneys and employees, when traveling on their own private business, or for pleasure, as well as when traveling on business for the companies. All of this should be prohibited by law. The officers, stockholders, attorneys and employees should pay their transportation rates on the railroad just as the balance of the public do. The companies should pay them for their services and they should pay for their transportation.

The giving of special privileges by quasi-public corporations to officers in authority over them should, in my opinion, be made a criminal offense. I do not charge that these privileges are given with any improper motive. Our public officers are generally above any influence of this sort, and I have no idea that, as a rule, they are affected by it. It is not on that ground particularly that I oppose it, though everyone must admit that it is reprehensible even from that standpoint.

But when a public officer calls up a telephone, sends a telegram, takes a ride on a street car, boards a railroad train, or goes to sleep on a Pullman, he has no natural right, and should have no lawful right to receive privileges not granted every man in the country. The public are interested in all quasi-public corporations, and the facilities which they furnish should be supplied to all patrons without discrimination. Their property derives its value from the franchises and rights of way granted them by the people. One man is as much interested in that grant as another, and one should not be made to pay charges high enough to enable the company to serve another free. Laws prohibiting these abuses should be enacted and along with them an efficient system of State and National supervision to see that the laws are enforced. It seems to me that the propriety and justice of such legislation is so patent that argument to sustain it is unnecessary.

And while the subjects herein discussed belong primarily to the legislative branches of the government, it is our privilege and duty as citizens and lawyers to point out the abuses and suggest the remedies.

In a large measure we are responsible for the laws as they now exist, and if they are changed it will be done through the influence and power of the lawyers in the law-making branches of the State and National governments. Then let us move up to the necessities of our civilization. Let us give additional proof of the fact that the lawyers stand for the rights of all the people.

CONSTITUTION.

ARTICLE I.

NAME.

This Association shall be called THE NORTH CAROLINA BAR ASSOCIATION.

ARTICLE II.

OBJECT.

This Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cherish a spirit of brotherhood among the members thereof.

ARTICLE. III.

MEMBERS.

Active Members.—Those members of the Bar who attend the meeting at which the Association is formed, and who shall subscribe to this Constitution and pay the admission fee, are hereby declared to be members of this Association. Any white person shall be eligible to membership in this Association who shall be a member of the Bar of this State in good standing, and who shall be nominated as hereinafter provided.

Honorary Members.—The Judges of the Supreme, Superior and Criminal Courts of this State, and the Judges of the Federal Courts in this State shall, as long as they remain in office, be honorary members of this Association, with all the rights and privileges of regular members, except eligibility to office, and without liability for the payment of admission fees or dues.

ARTICLE IV.

OFFICERS.

The officers of this Association shall be a President, sixteen Vice-Presidents, and a Secretary and Treasurer, whose duties shall be such as may be prescribed in the By-Laws.

They shall be elected at the annual meetings hereinafter provided for, except those first elected under this Constitution. They shall hold office from the adjournment of the meeting at which they are elected, until the adjournment of the next succeeding annual meeting, except those first elected under this Constitution, whose terms shall commence upon their election and expire at the adjournment of the first annual meeting. The President and Vice-Presidents shall be ineligible for re-election until one year after the expiration of their terms of office.

The offices of Secretary and Treasurer shall be filled by one person, who shall receive as compensation for his services the sum of one hundred and fifty dollars per annum, payable quarterly.

All elections shall be by ballot.

ARTICLE V.

STANDING COMMITTEES.

There shall be the following standing Committees of this Association, to be chosen as hereinafter provided, whose duties shall be such as may be prescribed in the By-Laws:

1. *Executive Committee.*—To consist of six members.
2. *Committee on Admissions to Membership.*—To consist of one member from each of the Judicial Districts of the State.
3. *Committee on Legislation and Law Reform.*—To consist of five members.
4. *Judiciary Committee.*—To consist of five members.
5. *Committee on Legal Education and Admission to the Bar.*—To consist of five members.
6. *Committee on Memorials.*—To consist of five members.

7. *Committee on Grievances*.—To consist of five members.

8. *Committee on Legal Ethics*.—To consist of five members.

The members of the Executive Committee shall hold office as may be prescribed in the By-Laws.

The members of all other standing Committees shall hold office from the time of their appointment until the adjournment of the next succeeding annual meeting and until their successors shall be appointed.

ARTICLE VI.

APPOINTMENT OF COMMITTEES.

The members of the Executive Committee, except those first elected under this Constitution, shall be elected at the annual meetings.

The President shall appoint all other standing Committees within ten days after the adjournment of this and each annual meeting (and shall designate one member of each Committee as its Chairman and one member as its Secretary),* and shall announce the appointees to the Secretary, who shall immediately notify the persons so appointed.

ARTICLE VII.

MEETINGS.

This Association shall meet annually in month of June, July or August, at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum. Such notice of the meeting shall be given as may be prescribed in the By-Laws.

Special meetings may be called at any time by the Executive Committee upon such notice as may be prescribed in the By-Laws; and shall be called by said Committee at any time upon the written request of twenty-five members, upon like notice. At a special meeting no business shall be transacted except such as is specified in the call therefor, without the concurrence of at least four-fifths of those present; and at such a meeting forty members shall constitute a quorum.

*The paragraph in () was an amendment passed at annual meeting of 1900.

ARTICLE VIII.

FEES AND DUES.

The admission fee shall be five dollars, and the annual dues shall be two dollars, to be paid as may be prescribed in the By-Laws: *Provided*, That the admission fee shall be in lieu of the annual dues for the current year in which it is paid. No member shall be qualified to exercise any privilege of membership while his fees or dues remain unpaid, when due.

ARTICLE IX.

SUSPENSIONS AND EXPULSIONS.

Any member may be suspended or expelled for misconduct in his relations to this Association, or in his profession, upon conviction thereof, in such manner as may be provided in the By-Laws; and all interest in the property of the Association of persons in any way ceasing to be members shall *ipso facto* vest in the Association.

ARTICLE X.

VACANCIES.

In case of a vacancy in any office it shall be filled by appointment of the President until the next annual or special meeting: *Provided*, That a vacancy in the office of President shall be filled by appointment by the Executive Committee of one of the Vice-Presidents. In case of a vacancy in any Committee it shall be filled by appointment of the President until the next annual or special meeting. A person appointed to fill a vacancy shall hold the office until his successor is elected or appointed and qualified.

ARTICLE XI.

ANNUAL ADDRESSES AND PAPERS.

At each annual meeting, the President shall deliver an address upon some subject to be selected by himself, in which he shall make such suggestions as to the work of the Association as he may deem proper. An address shall also be made by some lawyer of prominence, not a resident of the State, to be invited by the Executive Committee. And papers shall be

read by not more than five members of the Association, to be selected by the Executive Committee, as prescribed in the By-Laws.

ARTICLE XII.

AMENDMENTS.

This Constitution may be amended by a three-fourths vote of the members present at any meeting: *Provided*, That if it be an annual meeting, notice of the proposed amendment, subscribed by at least three members, shall be given on the first day of such meetings; and, if it be a special meeting, a similar notice, similarly subscribed, shall be given in the call therefor: *Provided, however*, That no change shall be made at any meeting at which less than forty members are present.

ARTICLE XIII.

INCORPORATION.

This Constitution shall go into immediate effort. This Association shall be incorporated under the laws of the State of North Carolina at the present session of the General Assembly, and until such incorporation all money and property of said Association shall be vested in the President and Secretary and Treasurer, as trustees thereof, who shall pay over and deliver the same to said corporation as its property, as soon as the corporation is created by law.

BY-LAWS.

I.

PRESIDENT AND VICE-PRESIDENTS.

The President shall preside at all meetings of the Association; he shall open each meeting with an annual address, and perform all other duties required of him by the Constitution and By-Laws. In his absence one of the Vice-Presidents shall preside, and, in the absence of all such officers, such person as may be called to the chair by the meeting.

II.

SECRETARY AND TREASURER.

The person holding the office of Secretary and Treasurer shall be charged with the following duties:

1. He shall keep full and accurate minutes of the proceedings of all meetings of the Association, and of all other matters of which a record shall be ordered by the Association; and he shall carefully preserve its archives and transmit them to his successor in office.

2. He shall with the aid and concurrence of the President, when by the latter deemed expedient, conduct the correspondence of the Association.

3. He shall keep at all times a complete and accurate roll of the members, officers and committees of the Association, with their addresses; he shall notify new members of their election, and officers and members of committees of their election or appointment.

4. He shall, under the direction of the Executive Committee, issue notices of all meetings of the Association, and in case of a special meeting shall add a brief note of the object thereof.

5. He shall, as Secretary, report to the Association at each annual meeting, giving a summary of his transactions during the preceding year, and an outline of the business which is to come before the Association at such annual meeting, so far as it relates to propositions or resolutions referred to any special or standing Committee at the previous meeting. And he shall be the keeper of the seal of the Association.

6. He shall collect, and, under the direction of the Executive Committee, disburse, deposit or invest the funds of the Association.

7. He shall keep regular and accurate accounts in books belonging to the Association, which shall be open at all times to the inspection of any member of the Executive Committee.

8. He shall report to the Executive Committee, whenever so required, the amount of money on hand or under his control, and any appropriations or charges affecting the same.

9. He shall, as Treasurer, make a full and detailed report at each annual meeting, showing: (*a*) The receipts and disbursements of the preceding year, suitably classified; (*b*) all outstanding obligations of the Association; and (*c*) an estimate of the resources and probable expenses for the coming year; and any suggestions that he may think proper to make.

10. He shall submit his said report and all his books, vouchers, and papers relating thereto, to a Committee to be appointed by the Executive Committee at its annual meeting, who shall audit and certify said report before its presentation to the Association.

III.

EXECUTIVE COMMITTEE.

1. At each annual meeting, there shall be elected, by ballot, two members of the Executive Committee, to hold office for three years, and such additional members as may be necessary to fill vacancies, if any, to hold office for the unexpired terms of their predecessors.

2. They shall have the general management of the affairs of

the Association, and shall make such regulations and take such action, not inconsistent with the Constitution and By-Laws, as may be necessary for the protection of the property.

3. They shall audit all accounts against the Association, and no money shall be paid out of the treasury except upon a warrant signed by their Secretary and countersigned by their Chairman.

4. They shall, as soon as conveniently may be, after their first election under this Constitution, and thereafter as soon as conveniently may be, after such annual meeting, invite some lawyer of prominence, not a resident of this State, to make an address before the Association at its next annual meeting, upon some subject to be selected by the person so invited. And they shall at the same time select not more than five members of the Association to prepare and read papers at the next annual meeting upon subjects to be chosen by the person so selected, or such as may be suggested by the Committee.

5. They shall, at least sixty days before each annual meeting of the Association, select a place and a time within the month of June, July or August, for holding such annual meeting, and prepare a printed programme of the proceedings to be held thereat. A copy of such programme and a notice of such meeting shall be mailed to each member of the Association by its Secretary.

6. They shall, at their annual meeting in each year, appoint a special Committee of three members of the Association to audit and certify the accounts of the Treasurer before they are presented to the Association.

7. They may secure the services of a stenographer to report the proceedings of each annual meeting.

IV.

COMMITTEE ON ADMISSIONS TO MEMBERSHIP.

1. All applications for membership in the Association shall be in writing, signed by the applicant and addressed to the Committee on Admission to Membership. The application

shall be endorsed by at least two members of the Association not members of the Committee (residing in the Judicial District of the Applicant),* and by the member of the Committee from the Judicial District in which the applicant resides: *Provided*, That if the member of the said Committee from any district shall not have registered at any annual meeting, or, having registered, shall have left the place where any annual meeting is held, it shall be the duty of the President of the Association, on the request of the Chairman of the Committee on Admissions to Membership, or in his absence, of any member thereof, to designate a substitute for the said absentee, with power to act during his absence, naming one from the appropriate district, if convenient, or, if not, any other member of the Association.

2. If the application be presented at a meeting of the Committee, the vote thereon shall be by ballot, and every member present shall be required to vote; one negative vote in every five votes cast shall be sufficient to reject the applicant.

3. If the application be presented during the vacation of the Committee the method of proceeding shall be as follows: Upon its receipts by any member of the Committee he shall forthwith refer it to the member of the Committee from the Judicial District in which the applicant resides, whose duty it shall be to diligently inquire as to the character and standing of the applicant and his eligibility to membership in the Association. If, upon such inquiry, he finds the applicant free from objection, he shall endorse the application favorably; otherwise he shall withhold his endorsement and communicate his reasons therefor in writing to the Chairman of the Committee, and forward the application to him. If the application be favorably endorsed it shall be referred to the Chairman of the Committee, and if favorably endorsed by him and four other members of the Committee, including the member from the district in which the applicant resides, the applicant shall be declared elected, and the Secretary of the Committee shall notify the Secretary of the Association of his election. If the

*The paragraph in () was an amendment passed at annual meeting of 1899.

application be returned unendorsed by the member of the Committee from the Judicial District in which the applicant resides, or if any member of the Committee to whom it is referred refuse to endorse it, it shall be filed by the Secretary of the Committee until the next meeting of the Committee. At such meeting such application shall be disposed of as provided by Section 2 of this Article. No candidates rejected shall be again proposed within a year.

4. No member of the Committee shall disclose to any person the discussions, statements, or votes of any member thereof upon any application for membership; nor shall the Committee's decision upon any such application be made known to any person other than the applicant.

5. It shall be the duty of any member of the Committee who has knowledge of any fact which, in his opinion, disqualifies the applicant for membership in the Association, if it be in a meeting of the Committee, to state such fact to the Committee, and if it be in the vacation of the Committee, to withhold his endorsement of the application and communicate such fact to the Chairman of the Committee in writing.

6. The Secretary of the Committee shall keep in a book provided for that purpose, a record of all applications for membership in the Association, and shall preserve the originals of all applications among the archives of the Committee.

V.

COMMITTEE ON LEGISLATION AND LAW REFORM.

1. It shall be the duty of the Committee on Legislation and Law Reform to scrutinize carefully all proposed changes in the law; to encourage and promote such as appear to be beneficial, and to check, as far as possible, all such as appear to be hasty or ill-advised; and to consider and recommend to the Association such amendments of the law and of judicial procedure as will facilitate the administration of justice.

2. It will be their duty, if at any time they deem it advisable, to call a special meeting of the Association to be called for the purpose of considering pending or proposed legislation.

VI.

JUDICIARY COMMITTEE.

It shall be the duty of the Judiciary Committee to carefully observe the practical working of our judicial system, to suggest, invite, entertain and examine projects and suggestions for changes and reforms in the system, and to consider and recommend to the Association such action as they may deem expedient.

VII.

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

It shall be the duty of the Committee on Legal Education and Admission to the Bar to take into consideration the subject of legal education and other requisites for admission to the Bar, and to recommend to the Association from time to time, such action as they may deem necessary to guard the approaches of the profession from persons unfit for membership by reason of character or preparation.

VIII.

COMMITTEE ON MEMORIALS.

The Committee on Memorials shall prepare and furnish to the Secretary brief, appropriate notices of members who have died during the year preceding each annual meeting; such notices not to exceed two pages of printed matter, and to be published in the annual report. They shall also prepare or secure annually at least one biographical sketch of some member of the Bench or Bar of North Carolina, now deceased, having special reference to his professional career, and have the same presented at the annual meetings; and whenever practicable, they shall secure a steel engraving or other suitable picture of the subject of the sketch to be inserted in the published proceedings.

IX.

COMMITTEE ON LEGAL ETHICS.

The Committee on Legal Ethics shall be charged with the duty of reducing to the form of rules or canons the principles

of ethics regulating the relations of lawyers to the courts, the public, their clients and each other; with the further duty of taking such action as they may deem best, in case any departures from these principles by members of the Bar of the State come to their notice or are brought to their attention.

X.

COMMITTEE ON GRIEVANCES.

1. It shall be the duty of the Committee on Grievances to hear all complaints against members of the Association, and also complaints which may be made in matters affecting the interests of the legal profession, the practice of the law and the administration of justice, and to report thereon to the Association, with such recommendations as they may deem advisable; and in behalf of the Association institute and carry on such proceedings against offenders and to such extent as the Association may order.

2. Whenever any complaint shall be preferred against a member of the Association for misconduct in his relations to the Association, or in his profession, the person or persons preferring such complaint shall present it in writing to the Committee on Grievances, subscribed by the complaining party, plainly stating the matter complained of. If the Committee are of the opinion that the matters therein alleged are of sufficient importance, they shall cause a copy of the complaint, together with a notice of not less than five days of the time and place when the Committee will meet for the consideration thereof, to be served upon the member complained of, either personally or by leaving the same at his place of business during office hours, properly addressed to him; and they shall cause a similar notice to be served on the complainant. At the time and place appointed, or at such other times as may be named by the Committee, the member complained of may file a written answer or defence, and the Committee shall proceed to the consideration of the case upon such complaint and answer, or upon the complaint alone if no answer is interposed.

The complainant and the member complained of shall each be allowed to appear personally and by counsel. The witnesses

shall vouch for the truth of the statements on their word of honor. The Committee may summon witnesses, and, if such witnesses are members of the Association, a neglect or refusal to appear may be reported to the Association for its action.

The Committee, of whom at least three must be present at the trial, except that a less number may adjourn from time to time, shall hear and decide the case thus submitted to them, and shall determine all questions of evidence.

If they find the complaint, or any material part of it, to be true, they shall so report to the Association, with their recommendation as to the action thereon, and, if requested by either party, may, in their discretion, also report the evidence taken or any designated part thereof.

The Association shall thereupon proceed to take such action on said report as they may see fit, provided only that no member shall be expelled unless by the vote of two-thirds of the members present and voting.

3. Whenever specific charges of unprofessional conduct shall be made in writing to the Association, against a member of the Bar, not a member of the Association, or against a person pretending to be an attorney or counselor-at-law practicing in the State, said charges shall be investigated by the Committee on Grievances; and if, in any such case, said Committee shall report in writing to the Executive Committee that, in its opinion the case is such as requires further investigation or prosecution in the courts, the Executive Committee may appoint one or more members of the Association to act as prosecutor, whose duty it shall be to conduct the further investigation of such offender, under the instructions and control of the Committee on Grievances.

The reasonable disbursements of the Committee on Grievances for expenses incurred in any such investigation or prosecution may be paid out of the funds of the Association under the direction of the Executive Committee.

All the foregoing proceedings shall be secret, except as their publication is hereinbefore provided for, unless otherwise ordered by the Association by a two-thirds vote.

4. It shall be the duty of any member or members of this Association, upon the request of the Chairman of the Executive Committee or the Chairman of the Committee on Grievances, to prosecute any case of unprofessional conduct occurring in his or their district without compensation, though his or their expenses shall be paid by the Treasurer of the Association.

XI.

COMMITTEE ON PUBLICATIONS.

It shall be the duty of the President, on the first day of each annual meeting, to appoint a special Committee of three members, to be known as the Committee on Publications, whose duty it shall be to determine which of the papers read at such annual meeting should be published with the reports of the Association, as hereinafter provided.

XII.

COMMITTEE TO RECOMMEND OFFICERS.*

It shall be the duty of the President, on the first day of each annual meeting, to appoint a special Committee of five members, whose duty it shall be to consider and recommend to the Association suitable persons for Vice-Presidents and members of the Executive Committee to be elected at each meeting; but the Association shall not be confined to the election of the persons so recommended.

XIII.

GENERAL POWERS AND DUTIES OF STANDING COMMITTEES.

Except as otherwise expressly provided, each standing Committee shall have the following powers and be charged with the following duties:

1. *Organization.*—They may adopt regulations for their own government and proceedings, not inconsistent with the Constitution and By-laws, and subject to revision by the Association.

2. *Meetings.*—They shall meet annually on the day preceding the annual meeting of the Association; special meetings

*This Article amended at session of 1902, substituting word Vice-Presidents for officers.

may be called by the Chairman of any Committee, wherever in his opinion it may be necessary or advisable, and shall be called by him upon the written request of the Committee. At any meeting of any standing Committee, other than the Committee on Admissions to Membership, three members shall constitute a quorum; and at any meeting of the Committee on Admissions five members shall constitute a quorum.

3. *Records and Archives.*—It shall be the duty of the Secretary of each Committee to keep full and accurate minutes of each meeting of the Committee, and, under direction of the Chairman, to conduct its correspondence, and to carefully preserve its archives and transmit them to his successor in office.

4. *Voting by Correspondence.*—They may, by correspondence, consider and vote upon any matter which might properly come before them in meeting; such correspondence shall be carefully preserved by their Secretary and a minute thereof entered upon his records.

5. *Annual Reports.*—They shall report to the Association at each annual meeting, giving a summary of their proceedings since the last annual meeting, except such as they are prohibited from making public, and making such suggestions relative to their several departments as they deem proper.

6. *Printing Reports in Advance.*—When any such report contains any recommendations for action on the part of the Association it may, in the discretion of the Committee, be printed in the manner in which the annual reports are required to be printed, and a copy thereof mailed by the Secretary of the Association to each member thereof at least fifteen days before the annual meeting at which such report is proposed to be submitted.

XIV.

ADDRESS AND PAPERS.

The annual address of the President shall be made on the first day of the annual meeting immediately after the Association is called to order by the Chairman of the Executive Committee. The address of the person to be invited by the

Executive Committee shall be made at the morning session of the second day, and the reading of papers or essays shall be on the same day, or at such other time as the Executive Committee may determine.

XV.

PUBLICATION OF ANNUAL REPORTS, ADDRESSES AND PAPERS.

All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of Committees, and all proceedings at the annual meetings shall be published in the annual reports of the Association; but no other address made or paper read or presented shall be published, except by order of the Committee on Publications or of the Association.

Extra copies of reports, addresses and papers read before the Association, not exceeding two hundred copies of each, may be printed by order of the Committee on Publications for the use of the authors thereof.

The annual reports shall be published by the Secretary, under the direction of the Executive Committee, and a copy thereof delivered to each member of the Association.

XVI.

CURRENT YEAR.

The current year of this Association shall commence with the first day of July of each year, and end with the 30th day of June of the following year.

XVII.

COLLECTION AND NON-PAYMENT OF FEES AND DUES.

The admission fee (except from those persons declared to be members by Article III. of the Constitution) shall be payable to the Treasurer within thirty days after notification of election; and any member who shall fail within that time to notify the Treasurer of his acceptance of membership and pay the admission fee shall be deemed to have declined membership, and cannot thereafter become a member, except by being again regularly elected.

The annual dues shall be payable to the Treasurer on or before the first day of September of each year, beginning with the first of September, 1899. If any member shall fail to pay said dues when payable, the Treasurer shall immediately forward to such delinquent member an extract from this By-Law, with a notice that if his default shall continue for thirty days his name shall be reported to the Executive Committee, which may, if said dues be not paid on or before the first day of January following, order the name of such member to be stricken from the rolls, and he shall thereupon cease to be a member of the Association. But upon the written application, satisfactorily explaining such default, and the payment of all dues to the date thereof the Executive Committee may reinstate any such member who has been dropped from the rolls by virtue of this By-Law.

XVIII.

RESIGNATIONS.

Any member may resign at any time upon the payment of all dues and charges to the Association, including his annual dues for the current year in which his resignation is tendered: *Provided*, There be no charges for misconduct pending against said member.

From the date of the receipt by the Secretary of a notice of resignation, with an endorsement thereon by the Treasurer that all dues have been paid, as above provided, the person giving such notice shall cease to be a member of the Association.

XIX.

LIMITATION OF DEBATE.

No member shall be permitted to speak more than twice on any subject, and in debate no speech shall exceed five minutes in length, unless a majority of those present consent thereto.

XX.

ORDER OF BUSINESS.

At each annual meeting the order of business shall be as follows:

1. Call to order by the Chairman of the executive Committee.
2. Opening Address of the President.
3. Appointment of Committee on Publications.
4. Appointment of Committee to Recommend Officers.
5. Reports of the Secretary and Treasurer.
6. Reports of Standing Committees :
 - (a) Executive Committee.
 - (b) Committee on Admissions to Membership.
 - (c) Committee on Legislation and Law Reform.
 - (d) Judiciary Committee.
 - (e) Committee on Legal Education and Admission to the Bar.
 - (f) Committee on Ethics.
 - (g) Committee on Memorials.
 - (h) Committee on Grievances.
7. Miscellaneous Business.
8. Report of Committee to Recommend Officers.
9. Election of Officers.
10. Election of Members of Executive Committee.

XXI.

AMENDMENTS.

These By-Laws may be amended at any annual meeting of the Association by a vote of two-thirds of those present : *Provided*, That written notice of the proposed amendment shall be given on the first day of such meeting.

CODE OF ETHICS.

Adopted by the Bar Association, June 28th, 1900.

The purity and efficiency of judicial administration, which under our system is largely government itself, depends as much upon the character, conduct, and demeanor of attorneys in their great trust as upon the fidelity and learning of courts or the honesty and intelligence of juries.

"There is, perhaps, no profession, after that of the sacred ministry, in which high-toned morality is more imperatively necessary than that of the law. There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the lines of strict integrity; in which so many delicate and difficult questions of duty are constantly arising. There are pitfalls and mantraps at every step, and the mere youth, at the very outset of his career, needs often the prudence of self-denial, as well as the moral courage, which belong commonly to riper years. High moral principle is his only safe guide; the only torch to light his way amidst darkness and obstruction."—*Sharswood*.

No rule will determine an attorney's duty in the varying phases of every case. What is right and proper must, in the absence of statutory rule and an authoritative code, be ascertained in view of the peculiar facts, in the light of conscience, and the conduct of honorable and distinguished attorneys in similar cases, and by analogy to the duties enjoined by statute, and the rules of good neighborhood.

The following general rules are adopted by the North Carolina Bar Association for the guidance of its members:

DUTIES OF ATTORNEYS TO COURTS AND JUDICIAL OFFICERS.

1. The respect enjoined by law for courts and judicial officers is exacted for the sake of the office, and not for the individual who administers it. Bad opinion of the incumbent, however

well founded, cannot excuse the withholding of the respect due to the office while administering its functions.

2. The proprieties of the judicial station, in a great measure, disable the judge from defending himself against strictures upon his official conduct. For this reason, and because such criticisms tend to impair public confidence in the administration of justice, attorneys should, as a rule, refrain from published criticism of judicial conduct, especially in reference to causes in which they have been of counsel, otherwise than in courts of review, or when the conduct of the judge is necessarily involved in determining his removal from or continuance in office.

3. Marked attention and unusual hospitality to a judge, when the relations of the parties are such that they would not otherwise be extended, subject both judge and attorney to misconstruction, and should be sedulously avoided. A self-respecting independence in the discharge of the attorney's duties, which at the same time, does not withhold the courtesy and respect due the judge's station, is the only just foundation for cordial, personal, and official relations between Bench and Bar. All attempts by means beyond these to gain special personal consideration and favor of a judge are disreputable.

4. Courts and judicial officers, in the rightful exercise of their junctions, should always receive the support and countenance of attorneys against unjust criticism and popular clamor; and it is an attorney's duty to give them his moral support in all proper ways, and particularly by setting a good example in his own person of obedience to law.

5. The utmost candor and fairness should characterize the dealings of attorneys with the courts and with each other. Knowingly citing as authority an overruled case, or reading a repealed statute as in existence; knowingly misquoting the language of a decision or text-book; knowingly misstating the contents of a decision or text-book; knowingly misstating the contents of a paper, the testimony of a witness, or the language or arguments of the opposite counsel; offering evidence which it is known the court must reject as illegal, to get it before a

jury under guise of arguing its admissibility, and all kindred practices, are deceits and evasions unworthy of attorneys.

Purposely concealing or withholding in the opening arguments positions intended finally to be relied on, in order that opposite counsel may not discuss them, is unprofessional.

In the argument of demurrers, admission of evidence, and others questions of law, counsel should carefully refrain from "side bar" remarks and sparring discourse to influence the jury or by-standers. Personal colloquies between counsel tend to delay, and promote unseemly wrangling, and ought to be discouraged.

6. Attorneys owe it to the courts, and the public whose business the courts transact, as well as to their own clients, to be punctual in attendance on their causes; and whenever an attorney is late, he should apologize, or explain his absence.

7. One side must always lose the cause; and it is not wise or respectful to the court for attorneys to display temper because of an adverse ruling.

DUTY OF ATTORNEYS TO EACH OTHER, TO CLIENTS,
AND THE PUBLIC.

8. An attorney should strive, at all times, to uphold the honor, maintain the dignity, and promote the usefulness of the profession; for it is interwoven with the administration of justice, that whatever redounds to the good of one, advances the other; and the attorney thus discharges, not merely an obligation to his brothers, but a high duty to the State and his fellowman.

9. An attorney should not speak slightly or disparagingly of his profession, or pander in any way to the unjust popular prejudices against it; and he should scrupulously refrain at all times, and in all relations of life, from availing himself of any prejudice or popular misconception against lawyers, in order to carry a point against a brother attorney.

10. Nothing has been more potential in creating and pandering to popular prejudice against lawyers as a class, and in withholding from the profession the full measure of public

esteem and confidence which belong to the proper discharge of its duties, than the false claim, often set up by the unscrupulous in defense of a questionable transaction, that it is an attorney's duty to do everything to succeed in his client's cause.

An attorney "owes entire devotion to the interests of his client, warm zeal in the maintenance and defense of his cause, and the exertion of the utmost skill and ability," to the end that nothing may be taken or withheld from him save by the rules of law, legally applied. No sacrifice or peril, even to loss of life itself, can absolve from the fearless discharge of his duty. Nevertheless, it is steadfastly to be borne in mind that the great trust is to be performed within, and not without, the bounds of the law which creates it. The attorney's office does not destroy man's accountability to his Creator, or loosen the duty of obedience to law, and the obligation to his neighbor; and it does not permit, much less demand, violation of law, or any manner of fraud or chicanery, for the client's sake.

11. Attorneys should fearlessly expose before the proper tribunals corrupt or dishonest conduct in the profession; and there should never be any hesitancy in accepting employment against an attorney who has wronged his client.

12. An attorney appearing or continuing as private counsel in the prosecution for a crime of which he believes the accused innocent, forswears himself. The State's attorney is criminal, if he presses for a conviction, when upon the evidence he believes the prisoner innocent. If the evidence is not plain enough to justify a *nolle prosequi* a public prosecutor should submit the case, with such comments as are pertinent, accompanied by a candid statement of his own doubts.

13. An attorney cannot reject the defence of a person accused of a criminal offence because he knows or believes him guilty. It is his duty, by all fair and lawful means, to present such defences as the law of the land permits, to the end that no one may be deprived of life or liberty but by due process of law.

14. An attorney must decline in a civil cause to conduct a prosecution, when satisfied that the purpose is merely to harass or injure the opposite party, or to work oppression and wrong.

15. It is a bad practice for an attorney to communicate or argue privately with the judge as to the merits of his cause.

16. Newspaper advertisements, circulars, and business cards tendering professional services to the general public are proper; but special solicitation of particular individuals to become clients ought to be avoided. Indirect advertisements for business, by furnishing or inspiring editorial or press notices regarding causes in which the attorney takes part, the manner in which they were conducted, the importance of his positions, the magnitude of the interests involved, and all other like self-laudation, is of evil tendency and wholly unprofessional.

17. Newspaper publications by an attorney as to the merits of pending or anticipated litigation, calling for discussion and reply from the opposite party, tend to prevent a fair trial in the courts, and otherwise prejudice the due administration of justice. It requires a strong case to justify such publications; and, when proper, it is unprofessional to make them anonymously.

18. When an attorney is witness for his client, except as to formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the cause to other counsel. Except when essential to the ends of justice, an attorney should scrupulously avoid testifying in court in behalf of his client as to any matter.

19. Assertions, sometimes made by counsel in argument, of a personal belief of the client's innocence, or the justice of his cause, are to be discouraged.

20. It is indecent to hunt up defects in titles, and the like, and inform thereof, in order to be employed to bring suit; or to seek out a person supposed to have a cause of action, and endeavor to get a fee to litigate about it. Except where ties of blood, relationship or trust make it an attorney's duty, it is unprofessional to volunteer advice to bring a law suit. Stirring up strife and litigation is forbidden by law, and disreputable in morals.

21. Communications and confidence between client and

attorney are the property and secrets of the client, and cannot be divulged except at his instance; even the death of the client does not absolve the attorney from obligation of secrecy.

22. The duty not to divulge the secrets of clients extends further than mere silence by the attorney, and forbids accepting retainers or employment afterwards from others, involving the client's interest in the matters about which the confidence was reposed. When the secrets or confidence of a former client may be availed of or be material in a subsequent suit, as the basis of any judgment which may injuriously affect his rights, the attorney cannot appear in such cause without the consent of his former client.

23. An attorney can never attack an instrument or paper drawn by him for an infirmity apparent on its face; nor for any other cause where confidence has been reposed as to the facts concerning it. Where the attorney acted as a mere scrivener, and was not consulted as to the facts, and unknown to him, the transaction amounted to a violation of the laws, he may assail it on that ground in suits between third persons, or between parties to the instrument and strangers.

24. An attorney openly, and in his true character, may render purely professional services before committees regarding proposed legislation, and in advocacy of claims before departments of the government, upon the same principles of ethics which justify his appearance before the courts; but it is immoral and illegal for an attorney so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason or understanding, to influence action.

25. An attorney can never represent conflicting interests in the same suit or transaction, except by express consent of all so concerned, with full knowledge of the facts. Even then such a position is embarrassing and ought to be avoided. An attorney represents conflicting interests, within the meaning of this rule, when it is his duty, in behalf of one of his clients, to contend for that which duty to other clients in the transaction requires him to oppose.

26. It is not a desirable professional reputation to live and die with—that of a rough tongue, which makes a man to be sought out and retained to gratify the malevolent feeling of a suitor, in hearing the other side well lashed and vilified.

27. An attorney is under no obligation to minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of an attorney's conscience in professional matters. He cannot demand as of right that his attorney shall abuse the opposite party, or indulge in offensive personalities. The attorney, under the solemnity of his oath, must determine for himself whether such a course is essential to the ends of justice, and therefore justifiable.

28. Clients, and not their attorney's, are the litigants; and, whatever may be the ill-feeling existing between clients, it is unprofessional for attorneys to partake of it in their conduct and demeanor to each other, or to suitors in the case.

29. In the conduct of litigation, and the trial of causes, the attorneys shall try the merits of the cause, and not try each other. It is not proper to allude to, or comment upon the personal history, or mental or physical peculiarities, or idiosyncrasies, of opposite counsel. Personalities should always be avoided, and the utmost courtesy always extended to an honorable opponent.

30. As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite attorney to trial when he is under affliction or bereavement; forcing the trial on a particular day, to the serious injury of the opposite attorney, when no harm will result from a trial at a different time; the time allowed for signing a bill of exceptions, cross-interrogatories, and the like, the attorney must be allowed to judge. No client has a right to demand that his attorney shall be illiberal in such matters, or that he should do anything therein repugnant to his own sense of honor and propriety; and if such a course is insisted on, the attorney should retire from the cause.

31. The miscarriage to which justice is subject, and the uncertainty of predicting results, admonish attorneys to beware of bold and confident assurances to clients, especially where the employment depends upon the assurance, and the case is not plain.

32. Prompt preparation for trial, punctuality in answering letters and keeping engagements, are due from an attorney to his client, and do much to strengthen their confidence and friendship.

33. An attorney is in honor bound to disclose to the client, at the time of retainer, all the circumstances of his relation to the parties, or interest or connection with the controversy, which might justly influence the client in the selection of his attorney. He must decline to appear in any cause where his obligations or relations to the opposite parties will hinder or seriously embarrass the full and fearless discharge of all his duties.

34. An attorney should endeavor to obtain full knowledge of his client's cause before advising him, and is bound to give him a candid opinion of the merits and probable result of his cause. When the controversy will admit of it, he ought to seek to adjust it without litigation, if practicable.

35. Money, or other trust property, coming into the possession of the attorney should be promptly reported, and never commingled with his private property or used by him, except with the client's knowledge and consent.

36. Attorneys should, as far as possible, avoid becoming either borrowers or creditors of their clients; and they ought scrupulously to refrain from bargaining about the subject-matter of the litigation, so long as the relation of attorney and client continues.

37. Natural solicitude of clients often prompts them to offer assistance of additional counsel. This should not be met, as it sometimes is, as evidence of want of confidence; but, after advising frankly with the client, it should be left to his determination.

38. Important agreements affecting the rights of clients should, as far as possible, be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made, because not reduced to writing, as required by rules of court.

39. Attorneys should not ignore known customs of practice of the Bar of a particular court, even when the law permits, without giving opposing counsel timely notice.

40. *In any matter, controversy or action, where the opposite parties are represented by attorneys, the attorneys of the respective parties shall confer and negotiate with each other and not with the clients.

41. When attorneys jointly associated in a cause cannot agree as to any matter vital to the interest of their client, the course to be pursued should be left to his determination. The client's decision should be cheerfully acquiesced in unless the nature of the difference makes it impracticable for the attorney to co-operate heartily and effectively, in which event it is his duty to ask to be discharged.

42. An attorney ought not to engage in discussion or argument about the merits of the case with the opposite party without notice to his attorney.

43. Satisfactory relations between attorney and client are best preserved by a frank and explicit understanding at the outset, as to the amount of the attorney's compensation; and, where it is possible, this should always be agreed on in advance.

44. In general, it is better to yield something to a client's dissatisfaction at the amount of the fee, though the sum be reasonable, than to engage in a law suit to justify it, which ought always to be avoided, except as a last resort to prevent imposition and fraud.

45. In fixing fees, the following elements should be considered: 1st. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite properly to conduct the cause. 2nd. Whether the particular

*Rule 40 adopted at the session of 1902.

case will debar the attorney's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that the attorney would otherwise be employed; and herein of the loss of other business while employed in the particular case, and the antagonism with other clients growing out of the employment. 3rd. The customary charges of the bar for similar services. 4th. The real amount involved, and the benefit resulting from the service. 5th. Whether the compensation was contingent or assured. 6th. Is the client a regular one, retaining the attorney in all his business? No one of these considerations is in itself controlling. They are mere guides in ascertaining what the service was really worth; and, in fixing the amount, it should never be forgotten that the profession is a branch of the administration of justice, and not a mere money-getting trade.

46. Contingent fees may be contracted for; but they lead to many abuses, and certain compensation is to be preferred.

47. Casual and slight services should be rendered without charge by one attorney to another in his personal cause; but when the service goes beyond this, an attorney may be charged as other clients. Ordinary advice and services to the family of a deceased attorney should be rendered without charge in most instances, and where the circumstances make it proper to charge, the fees should generally be less than in case of other clients.

48. Witnesses and suitors should be treated with fairness and kindness. When essential to the ends of justice to arraign their conduct or testimony, it should be done without villification or unnecessary harshness. Fierceness of manner and uncivil behavior can add nothing to the truthful dissection of a false witness' testimony, and often rob deserved strictures of proper weight.

49. It is the duty of the court and its officers to provide for the comfort of jurors. Displaying special concern for their comfort, and volunteering to ask favors for them while they are present—such as frequent motions to adjourn trials, or take a recess, solely on the ground of the jury's fatigue or

hunger, the uncomfortableness of their seats or the court-room, and the like—should be avoided. Such intervention of attorneys, when proper, ought to be had privately with the court, whereby there will be no appearance of fawning upon the jury, nor ground for ill feeling of the jury toward court or opposite counsel, if such requests are denied. For like reason, one attorney should never ask another, in the presence of the jury, to consent to its discharge or dispersion; and when such a request is made by the court, the attorneys, without indicating their preference, should ask to be heard after the jury withdraws. And all propositions from counsel to dispense with argument should be made and discussed out of the hearing of the jury.

50. An attorney ought never to converse privately with jurors about the case; and must avoid all unnecessary communication; even as to matters foreign to the cause, both before and during the trial. Any other course, no matter how blameless the attorney's motives, gives color for imputing evil designs, and often leads to scandal in the administration of justice.

51. An attorney assigned as counsel for an indigent prisoner ought not to ask to be excused for any light cause, and should always be a friend to the defenceless and oppressed.



OFFICERS AND STANDING COMMITTEES.

1904-1905.

OFFICERS.

PRESIDENT.

*HAMILTON C. JONES, Charlotte.

VICE-PRESIDENTS.

First District.....	S. S. MANN.....	Swan Quarter.
Second District.....	B. B. WINBOURNE.....	Murfreesboro.
Third District.....	A. D. WARD.....	New Bern.
Fourth District.....	E. W. TIMBERLAKE.....	Louisburg.
Fifth District.....	T. C. WOOTEN.....	Kinston.
Sixth District.....	THOMAS S. KENAN.....	Raleigh.
Seventh District.....	G. B. PATTERSON.....	Maxton.
Eighth District.....	JOHN D. SHAW.....	Rockingham.
Ninth District.....	R. C. STRUDWICK.....	Greensboro.
Tenth District.....	THEO. F. KLUTTZ.....	Salisbury.
Eleventh District.....	T. B. FINLEY.....	Wilkesboro.
Twelfth District.....	H. N. PHARR.....	Charlotte.
Thirteenth District.....	W. C. NEWLAND.....	Lenoir.
Fourteenth District.....	S. GALLERT.....	Rutherfordton.
Fifteenth District.....	LOUIS M. BOURNE.....	Asheville.
Sixteenth District.....	M. W. BELL.....	Murphy.

SECRETARY AND TREASURER.

J. CRAWFORD BIGGS, Durham.

EXECUTIVE COMMITTEE.

JOHN W. HINSDALE.....	Raleigh.
ZEB. V. WALSER (<i>Secretary</i>).....	Lexington.
ED CHAMBERS SMITH.....	Raleigh.
CHAS. W. TILLET.....	Charlotte.
A. C. AVERY.....	Morganton.
W. S. O'B. ROBINSON.....	Goldsboro.

*Died August 22, 1904.

STANDING COMMITTEES.

ADMISSIONS TO MEMBERSHIP.

First District	C. S. VANN	Edenton.
Second District.....	F. D. WINSTON (<i>Chmn</i>)	Windsor.
Third District.....	A. D. WARD	New Bern.
Fourth District.....	E. W. TIMBERLAKE	Louisburg.
Fifth District.....	W. D. POLLOCK	Kinston.
Sixth District	F. A. DANIELS.....	Goldsboro.
Seventh District.....	GILBERT B. PATTERSON.....	Maxton.
Eighth District.....	F. J. COXE	Wadesboro.
Ninth District	PAUL C. GRAHAM (<i>Sec</i>).....	Durham.
Tenth District.....	WALTER MURPHY	Salisbury.
Eleventh District.....	J. E. ALEXANDER.....	Winston.
Twelfth District.....	J. L. WEBB	Shelby.
Thirteenth District	W. C. NEWLAND	Lenoir.
Fourteenth District.....	SOLOMON GALLERT.....	Rutherfordton.
Fifteenth District.....	C. A. WEBB.....	Asheville.
Sixteenth District	W. E. MOORE.....	Webster.

LEGISLATION AND LAW REFORM.

THOMAS B. WOMACK (<i>Chairman</i>).....	Raleigh.
CLEMENT MANLY.....	Winston.
H. A. LONDON	Pittsboro.
THOMAS S. ROLLINS (<i>Secretary</i>)	Asheville.
STEPHEN MCINTYRE	Lumberton.

JUDICIARY.

J. E. SHEPARD (<i>Chairman</i>).....	Raleigh.
E. F. AYDLETT (<i>Secretary</i>)	Elizabeth City.
C. B. WATSON	Winston.
T. F. DAVIDSON.....	Asheville.
LINDSAY PATTERSON.....	Winston.

LEGAL EDUCATION AND ADMISSION TO BAR.

JAMES C. MACRAE (<i>Chairman</i>).....	Chapel Hill.
N. Y. GULLEY.....	Wake Forest.
ROBERT W. WINSTON (<i>Secretary</i>).....	Durham.
A. C. AVERY.....	Morganton.
F. H. BUSBEE.....	Raleigh.

GRIEVANCES.

THOMAS J. JARVIS (<i>Chairman</i>).....	Greenville.
R. H. HAYES	Pittsboro.
L. V. MORRILL (<i>Secretary</i>).....	Snow Hill.
J. H. MARTIN.....	Asheville.
A. A. HICKS	Oxford.

MEMORIALS.

LOCKE CRAIG (<i>Chairman</i>).....	Asheville.
C. M. STEDMAN.....	Greensboro.
E. W. POU	Smithfield.
W. DE. W. STEVENSON	New Bern.
J. G. McCORMICK (<i>Secretary</i>).....	Lumberton.

LEGAL ETHICS.

WM. A. GUTHRIE (<i>Chairman</i>).....	Durham.
O. H. GUION (<i>Secretary</i>).....	New Bern.
GEORGE ROUNTREE.....	Wilmington.
W. W. KITCHEN.....	Roxboro.
W. D. TURNER	Statesville.

SPECIAL COMMITTEES.

TO RECOMMEND OFFICERS.

L. H. CLEMENT (<i>Chairman</i>).....	Salisbury.
W. C. MAXWELL	Charlotte.
B. G. CRISP.....	Manteo.
J. L. FLEMING.....	Greenville.
J. C. MARTIN.....	Asheville.

ON PUBLICATIONS.

THOS. S. KENAN (<i>Chairman</i>)	Raleigh.
W. C. HAMMER	Asheboro.
THOS. W. DAVIS.....	Wilmington.

TO AUDIT ACCOUNTS.

A. A. HICKS (<i>Chairman</i>)	Oxford.
JAS. C. MCRAE, JR.....	Chapel Hill.
JONES FULLER	Durham.

ON UNIFORM STATE LAWS.

JOHN L. BRIDGERS (<i>Chairman</i>).....	Tarboro.
E. J. JUSTICE (<i>Secretary</i>)	Greensboro.
A. BURWELL	Charlotte.
W. P. BYNUM, JR.....	Greensboro.
HARRY SKINNER	Greenville.

Delegates to the Universal Congress of Lawyers and Jurists Held at St. Louis, September 28-30, 1904.

W. D. Pruden,	L. H. Clement,	John L. Bridgers,
Judge Jas. E. Boyd,	R. B. Redwine,	C. S. Vann,
Clement Manly,	F. P. Hobgood, Jr.,	Lindsay Patterson.
Fred A. Woodard,	J. Crawford Biggs,	

ROLL OF MEMBERS.

1904-1905.

ACTIVE.

NAME.	RESIDENCE.	COUNTY.
Chas. L. Abernethy,	Beaufort,	Carteret.
Spencer B. Adams,	Greensboro,	Guilford.
W. J. Adams,	Carthage,	Moore.
H. F. Adickes,	Asheville,	Buncombe.
J. A. Albritton,	Snow Hill,	Greene.
J. E. Alexander,	Winston,	Forsyth.
Thos. W. Alexander,	Charlotte,	Mecklenburg.
R. G. Allsbrook,	Tarboro,	Edgecombe.
A. B. Andrews, Jr.,	Raleigh,	Wake.
J. A. Anthony,	Shelby	Cleveland.
Chas. H. Armfield,	Statesville,	Iredell.
Frank Armfield,	Monroe,	Union.
T. M. Argo,	Raleigh,	Wake.
A. C. Avery,	Morganton,	Burke.
F. P. Axley,	Murphy,	Cherokee.
C. B. Aycock,	Goldsboro,	Wayne.
E. F. Aydlett,	Elizabeth City,	Pasquotank.
Geo. F. Bason,	Charlotte,	Mecklenburg.
T. B. Bailey,	Mocksville,	Davie.
W. W. Barber,	Wilkesboro,	Wilkes.
Alf. S. Barnard,	Asheville,	Buncombe.
D. C. Barnes,	Murfreesboro,	Hertford.
John A. Barringer,	Greensboro,	Guilford.
Jacob Battle,	Rocky Mount,	Nash.
R. H. Battle,	Raleigh,	Wake.
L. A. Beasely,	Kenansville,	Duplin.
B. C. Beckwith,	Raleigh,	Wake.
James A. Bell,	Charlotte,	Mecklenburg.
M. W. Bell,	Murphy,	Cherokee.
John D. Bellamy,	Wilmington,	New Hanover.

NAME.	RESIDENCE.	COUNTY.
T. W. Bickett,	Louisburg,	Franklin.
C. W. Bidgood,	Wilmington,	New Hanover.
J. Crawford Biggs,	Durham,	Durham.
J. C. L. Bird,	Marion,	McDowell.
J. Reese Blair,	Troy,	Montgomery.
Spencer Blackburn,	Greensboro,	Guilford.
R. B. Boone,	Durham,	Durham.
V. H. Boyden,	Raleigh,	Wake.
L. M. Bourne,	Asheville,	Buncombe.
G. S. Bradsher,	Greensboro,	Guilford.
Stephen C. Bragaw,	Washington,	Beaufort.
Chase Brenizer	Charlotte,	Mecklenburg.
J. H. Bridgers,	Henderson,	Vance.
J. L. Bridgers,	Tarboro,	Edgecombe.
A. L. Brooks,	Greensboro,	Guilford.
Mark W. Brown,	Asheville,	Buncombe.
Victor S. Bryant,	Durham,	Durham.
A. L. Bulwinkle,	Dallas,	Gaston.
B. H. Bunn,	Rocky Mount,	Nash.
J. P. Bunn,	Rocky Mount,	Nash.
Armistead Burwell,	Charlotte,	Mecklenburg.
C. M. Busbee,	Raleigh,	Wake.
F. H. Busbee,	Raleigh,	Wake.
Perrin Busbee,	Raleigh,	Wake.
J. C. Buxton,	Winston,	Forsyth.
Wm. P. Bynum, Jr.,	Greensboro,	Guilford.
E. T. Cansler,	Charlotte,	Mecklenburg.
J. O. Carr,	Wilmington,	New Hanover.
W. H. Carroll,	Burlington,	Alamance.
Frank Carter,	Asheville,	Buncombe.
H. C. Chedester	Asheville,	Buncombe.
C. E. Childs,	Lincolnton,	Lincoln.
W. W. Clark,	New Bern,	Craven.
Heriot Clarkson,	Charlotte,	Mecklenburg.
L. H. Clement,	Salisbury,	Rowan.
J. C. Clifford,	Dunn,	Harnett.
Arthur Cobb,	Greensboro,	Guilford.

NAME.	RESIDENCE.	COUNTY.
T. H. Cobb,	Asheville,	Buncombe.
George W. Connor,	Wilson,	Wilson.
H. G. Connor, Jr.,	Wilson,	Wilson.
A. W. Cook,	Greensboro,	Guilford.
H. L. Cook,	Fayetteville,	Cumberland.
P. H. Cook,	Louisburg,	Franklin.
R. L. Cooper,	Murphy,	Cherokee.
Coleman C. Cowan,	Webster,	Jackson.
Fred J. Coxe,	Wadesboro,	Anson.
Burton Craig,	Salisbury,	Rowan.
Locke Craig,	Asheville,	Buncombe.
B. G. Crisp,	Manteo,	Dare.
Zeb V. Curtis,	Asheville,	Buncombe.
F. A. Daniels,	Goldsboro,	Wayne.
W. E. Daniel,	Weldon,	Halifax.
Theo. F. Davidson,	Asheville,	Buncombe.
A. C. Davis,	Goldsboro,	Wayne.
Junius Davis,	Wilmington,	New Hanover.
Thos. W. Davis,	Wilmington,	New Hanover.
W. H. Day,	Raleigh,	Wake
Claudius Dockery,	Raleigh,	Wake.
W. T. Dortch,	Goldsboro,	Wayne.
R. D. Douglas,	Greensboro,	Guilford.
W. C. Douglass,	Raleigh,	Wake.
C. H. Duls,	Charlotte,	Mecklenburg.
W. A. Dunn,	Scotland Neck,	Halifax.
R. S. Eakes,	Rutherfordton,	Rutherford.
Kope Elias,	Franklin,	Macon.
Marcus Erwin,	Asheville,	Buncombe.
A. J. Feild,	Raleigh,	Wake.
Walter C. Feimster,	Newton,	Catawba.
Garland S. Ferguson, Jr.,	Greensboro,	Guilford.
J. W. Ferguson,	Waynesville,	Haywood.
W. C. Fields,	Sparta,	Alleghany.
T. B. Findley,	North Wilkesboro,	Wilkes.
J. L. Fleming,	Greenville,	Pitt.
H. A. Foushee,	Durham,	Durham.

NAME.	RESIDENCE.	COUNTY.
F. L. Fuller,	Durham,	Durham.
Jones Fuller,	Durham,	Durham.
Thos. S. Fuller,	Raleigh,	Wake.
E. L. Gaither,	Mocksville,	Davie.
Solomon Gallert,	Rutherfordton,	Rutherford.
Swift Galloway,	Snow Hill,	Greene.
James R. Gaskell,	Tarboro,	Edgecombe.
B. M. Gatling,	Raleigh,	Wake.
S. M. Gattis,	Hillsboro,	Orange.
A. O. Gaylord,	Plymouth,	Washington.
Donnell Gilliam,	Tarboro,	Edgecombe.
Henry A. Gilliam,	Tarboro,	Edgecombe.
Donald Gillis,	Asheville,	Buncombe.
R. D. Gilmer,	Waynesville,	Haywood.
R. B. Glenn,	Winston,	Forsyth.
John H. Gore,	Wilmington,	New Hanover.
A. W. Graham,	Oxford,	Granville.
John W. Graham,	Hillsboro,	Orange.
P. C. Graham,	Durham,	Durham.
S. P. Graves,	Mt. Airy,	Surry.
Eugene E. Gray,	Winston,	Forsyth.
R. L. Gray,	Raleigh,	Wake.
R. T. Gray,	Raleigh,	Wake.
H. L. Green,	Wilkesboro,	Wilkes.
E. C. Gregory,	Salisbury,	Rowan.
Wm. D. Grimes,	Washington,	Beaufort.
O. H. Guion,	New Bern,	Craven.
N. Y. Gulley,	Wake Forest,	Wake.
T. C. Guthrie,	Charlotte,	Mecklenburg.
W. A. Guthrie,	Durham,	Durham.
W. B. Guthrie,	Durham,	Durham.
Walter B. Gwyn,	Asheville,	Buncombe.
R. N. Hackett,	Wilkesboro,	Wilkes.
W. C. Hammer,	Asheboro,	Randolph.
A. J. Harris,	Henderson,	Vance.
Hugh W. Harris,	Charlotte,	Mecklenburg.
J. C. L. Harris,	Raleigh,	Wake.

NAME.	RESIDENCE.	COUNTY.
J. A. Hartness,	Statesville,	Iredell.
L. T. Hartsell,	Concord,	Cabarrus.
G. H. Hasten,	Winston,	Forsyth.
R. H. Hayes,	Pittsboro,	Chatham.
A. W. Haywood,	Haw River,	Alamance.
Ernest Haywood,	Raleigh,	Wake.
A. S. Heilig,	Salisbury,	Rowan.
John S. Henderson,	Salisbury,	Rowan.
W. M. Hendren,	Winston,	Forsyth.
A. A. Hicks,	Oxford,	Granville.
T. T. Hicks,	Henderson,	Vance.
Thos. N. Hill,	Halifax,	Halifax.
J. W. Hinsdale,	Raleigh,	Wake.
F. P. Hobgood, Jr.,	Greensboro,	Guilford.
Clyde R. Hoey,	Shelby,	Cleveland.
A. E. Holton,	Winston,	Forsyth.
E. A. Humphrey,	Goldsboro,	Wayne.
Lotte W. Humphrey,	Charlotte,	Mecklenburg.
S. W. Isler,	Goldsboro,	Wayne.
F. G. James,	Greenville,	Pitt.
Thos. J. Jarvis,	Greenville,	Pitt.
M. L. John,	Laurinburg,	Scotland.
Norman H. Johnson,	Burlington,	Alamance.
Asmistead Jones,	Raleigh,	Wake.
H. C. Jones,	Charlotte,	Mecklenburg.
Paul Jones,	Tarboro,	Edgecombe.
Thos. A. Jones,	Asheville,	Buncombe.
E. J. Justice,	Greensboro,	Guilford.
J. W. Keerans,	Charlotte,	Mecklenburg.
Thos. S. Kenan,	Raleigh,	Wake.
Edward W. Keith,	Asheville,	Buncombe.
J. N. Kenney,	Charlotte,	Mecklenburg.
R. R. King,	Greensboro,	Guilford.
Ashbel B. Kimball,	Greensboro.	Guilford.
T. L. Kirkpatrick,	Charlotte,	Mecklenburg.
W. W. Kitchin,	Roxboro,	Person.
Theo. F. Kluttz,	Salisbury,	Rowan.

NAME.	RESIDENCE.	COUNTY.
Theo. F. Kluttz, Jr.,	Salisbury,	Rowan.
E. F. Lamb,	Elizabeth City,	Pasquotank.
R. L. Leatherwood,	Bryson City,	Swain.
Frank A. Linney,	Taylorsville,	Alexander.
Geo. M. Lindsay,	Snow Hill,	Greene.
J. A. Lockhart,	Wadesboro,	Anson.
H. A. London,	Pittsboro,	Chatham.
J. A. Long,	Greensboro,	Guilford.
Zeb V. Long,	Statesville,	Iredell.
V. S. Lusk,	Asheville,	Buncombe.
D. M. Luther,	Asheville,	Buncombe.
Cameron F. MacRae,	Raleigh,	Wake.
J. C. MacRae,	Chapel Hill,	Orange.
J. C. MacRae, Jr.,	Chapel Hill,	Orange.
S. H. MacRae,	Fayetteville,	Cumberland.
Clement Manly,	Winston,	Forsyth.
S. S. Mann,	Swan Quarter,	Hyde.
J. S. Manning,	Durham,	Durham.
A. G. Mangum,	Gastonia,	Gaston.
E. S. Martin,	Wilmington,	New Hanover.
John H. Martin,	Asheville,	Buncombe.
Julius C. Martin,	Asheville,	Buncombe.
Wheeler Martin,	Williamston,	Martin.
O. F. Mason,	Dallas,	Gaston.
W. C. Maxwell,	Charlotte,	Mecklenburg.
Matt. McBrayer,	Rutherfordton,	Rutherford.
R. S. McCain,	Henderson,	Vance.
J. G. McCormick,	Lumberton,	Robeson.
F. B. McDowell,	Charlotte,	Mecklenburg.
Stephen McIntyre,	Lumberton,	Robeson.
A. W. McLean,	Lumberton,	Robeson.
A. D. McLean,	Washington,	Beaufort.
D. H. McLean,	Dunn,	Harnett.
R. B. McLaughlin,	Statesville,	Iredell.
J. W. McNeill,	Jefferson,	Ashe.
Franklin McNeill,	Raleigh,	Wake.
R. H. McNeill,	Jefferson,	Ashe.

NAME.	RESIDENCE.	COUNTY.
F. R. McNinch,	Charlotte,	Mecklenburg.
John A. McRae,	Charlotte,	Mecklenburg.
Iredell Meares,	Wilmington,	New Hanover.
W. G. Means,	Concord,	Cabarrus.
Duff Merrick,	Asheville,	Buncombe.
J. G. Merrimon,	Asheville,	Buncombe.
B. B. Miller,	Salisbury,	Rowan.
S. W. Minor,	Oxford,	Granville.
Chas. A. Moore,	Asheville,	Buncombe.
Walter E. Moore,	Webster,	Jackson.
S. F. Mordecai,	Raleigh,	Wake.
J. T. Morehead,	Greensboro,	Guilford.
L. V. Morrill,	Snow Hill,	Greene.
Cameron Morrison,	Rockingham,	Richmond.
W. C. Munroe,	Goldsboro,	Wayne.
I. A. Murchison,	Fayetteville,	Cumberland.
J. D. Murphy,	Asheville,	Buncombe.
T. J. Murphy,	Greensboro,	Guilford.
Walter Murphy,	Salisbury,	Rowan.
Frank Nash,	Hillsboro,	Orange.
W. C. Newland,	Lenoir,	Caldwell.
B. B. Nicholson,	Washington,	Beaufort.
Edmund B. Norvell,	Murphy,	Cherokee.
H. E. Norris,	Raleigh,	Wake.
Romulus A. Nunn,	New Bern,	Craven.
Y. T. Ormond,	Kinston,	Lenoir.
F. I. Osborne,	Charlotte,	Mecklenburg.
Lee S. Overman,	Salisbury,	Rowan.
E. S. Parker,	Graham,	Alamance.
Haywood Parker,	Asheville,	Buncombe.
G. B. Patterson,	Maxton,	Robeson.
Lindsay Patterson,	Winston,	Forsyth.
P. M. Pearsall,	New Bern,	Craven.
W. J. Peele,	Raleigh,	Wake.
C. G. Peebles,	Jackson,	Northampton.
Geo. P. Pell,	Winston,	Forsyth.
Geo. L. Peschau,	Wilmington,	New Hanover.

NAME.	RESIDENCE.	COUNTY.
H. N. Pharr,	Charlotte,	Mecklenburg.
W. D. Pollock,	Kinston,	Lenoir.
W. H. Pope,	Fayetteville,	Cumberland.
Edward W. Pou,	Smithfield,	Johnson.
James H. Pou,	Raleigh,	Wake.
E. R. Preston,	Charlotte,	Mecklenburg.
A. H. Price,	Salisbury,	Rowan.
Charles Price,	Salisbury,	Rowan.
J. N. Pruden,	Edenton,	Chowan.
W. D. Pruden,	Edenton,	Chowan.
A. L. Quickel,	Lincolnton,	Lincoln.
W. P. Ragan,	High Point,	Guilford.
E. E. Raper,	Lexington,	Davidson.
R. B. Redwine,	Monroe,	Union.
Samuel H. Reed	Asheville,	Buncombe.
R. D. Reid,	Reidsville,	Rockingham.
Henry G. Robertson,	Franklin,	Macon.
H. McD. Robinson,	Fayetteville,	Cumberland.
W. S. O'B. Robinson,	Goldsboro,	Wayne.
W. B. Rodman,	Charlotte,	Mecklenburg.
Wiley C. Rodman,	Washington,	Beaufort.
Thomas S. Rollins,	Asheville,	Buncombe.
George Rountree,	Wilmington,	New Hanover.
Jack R. Rountree,	Kinston,	Lenoir.
N. J. Rouse,	Kinston,	Lenoir.
B. S. Royster,	Oxford,	Granville.
Robert Ruark,	Lexington,	Davidson.
Wm. F. Rucker,	Rutherfordton,	Rutherford.
Daniel L. Russell,	Wilmington,	New Hanover.
Robert L. Ryburn,	Shelby,	Cleveland.
Thomas Ruffin,	Chapel Hill,	Orange.
O. L. Sapp,	Asheboro,	Randolph.
A. M. Scales,	Greensboro,	Guilford.
J. I. Scales,	Greensboro,	Guilford.
H. R. Scott,	Reidsville,	Rockingham.
Levi M. Scott,	Greensboro,	Guilford.
St. Leon Scull,	Windsor,	Bertie.

NAME.	RESIDENCE.	COUNTY.
Thomas Settle,	Asheville,	Buncombe.
F. M. Shannonhouse,	Charlotte,	Mecklenburg.
H. E. Shaw,	Kinston,	Lenoir.
H. M. Shaw,	Oxford,	Granville.
John D. Shaw,	Rockingham,	Richmond.
John D. Shaw, Jr.,	Laurinburg,	Scotland.
W. B. Shaw,	Henderson,	Vance.
J. E. Shepherd,	Raleigh,	Wake.
S. B. Shepherd,	Raleigh,	Wake.
Geo. A. Shuford,	Asheville,	Buncombe.
John C. Sikes, Jr.,	Monroe,	Union.
F. M. Simmons,	Raleigh,	Wake.
R. N. Simms,	Raleigh,	Wake.
N. A. Sinclair,	Fayetteville,	Cumberland.
Harry Skinner,	Greenville,	Pitt.
John H. Small,	Washington,	Beaufort.
D. B. Smith,	Charlotte,	Mecklenburg.
Ed Chambers Smith,	Raleigh,	Wake.
L. L. Smith,	Gatesville,	Gates.
W. A. Smith,	Hendersonville,	Henderson.
W. B. Shaw,	Raleigh,	Wake.
F. S. Spruill,	Louisburg,	Franklin.
C. M. Stedman,	Greensboro,	Guilford.
H. L. Stevens,	Warsaw,	Duplin.
Mark DeW. Stevenson,	New Bern,	Craven.
R. C. Strong,	Raleigh,	Wake.
H. W. Stubbs,	Williamston,	Martin.
J. W. Summers,	Asheville,	Buncombe.
L. W. Swink,	Winston,	Forsyth.
Z. V. Taylor,	Greensboro,	Guilford.
Chas. R. Thomas,	New Bern,	Craven.
W. S. Thomson,	Greensboro,	Guilford.
Chas. W. Tillett,	Charlotte	Mecklenburg.
E. W. Timberlake,	Louisburg,	Franklin.
Chas. F. Toms,	Hendersonville,	Henderson.
E. L. Travis,	Halifax,	Halifax.
Z. V. Turlington,	Mooreville,	Iredell.

NAME.	RESIDENCE.	COUNTY.
C. D. Turner,	Hillsboro,	Orange.
W. D. Turner,	Statesville,	Iredell.
C. S. Vann,	Edenton,	Chowan.
A. M. Waddell,	Wilmington,	New Hanover.
Zeb V. Walser,	Lexington,	Davidson.
Z. I. Walser,	Lexington,	Davidson.
A. D. Ward,	New Bern,	Craven.
D. L. Ward,	New Bern,	Craven.
G. W. Ward,	Elizabeth City,	Pasquotank.
H. S. Ward,	Plymouth,	Washington.
Chas. F. Warren,	Washington,	Beaufort.
Thos. D. Warren,	Trenton,	Jones.
C. B. Watson,	Winston,	Forsyth.
Zebulon Weaver,	Asheville,	Buncombe.
Chas. A. Webb,	Asheville,	Buncombe.
E. Y. Webb,	Shelby,	Cleveland.
James L. Webb,	Shelby,	Cleveland.
Charles Whedbee.	Hertford,	Perquimans.
Paul C. Whitlock,	Rockingham,	Richmond.
J. McDowell, Whitson,	Asheville,	Buncombe.
W. R. Whitson,	Asheville,	Buncombe.
E. C. Williams,	Monroe,	Union.
P. H. Williams,	Elizabeth City,	Pasquotank.
Geo. E. Wilson,	Charlotte,	Mecklenburg.
B. B. Winbourne,	Murfreesboro,	Hertford,
Francis D. Winston,	Windsor,	Bertie.
Robt. W. Winston,	Durham,	Durham.
L. L. Witherspoon,	Newton,	Catawba.
T. B. Womack,	Raleigh,	Wake.
F. A. Woodward,	Wilson,	Wilson.
John E. Woodward,	Wilson,	Wilson.
E. R. Wooten,	Kinston,	Lenoir.
T. C. Wooten,	Kinston,	Lenoir.
Walter H. Woodson,	Salisbury,	Rowan.
Clem G. Wright,	Greensboro,	Guilford.
W. W. Zachary,	Brevard,	Transylvania.
A. C. Zollicoffer,	Henderson,	Vance.

Total active members, 363.

HONORARY.

SUPREME COURT OF NORTH CAROLINA.

Walter Clark,	Chief Justice,	Raleigh.
W. A. Montgomery,	Associate Justice,	Raleigh.
R. M. Douglas,	Associate Justice,	Greensboro.
H. G. Connor,	Associate Justice,	Wilson.
P. D. Walker,	Associate Justice,	Charlotte.

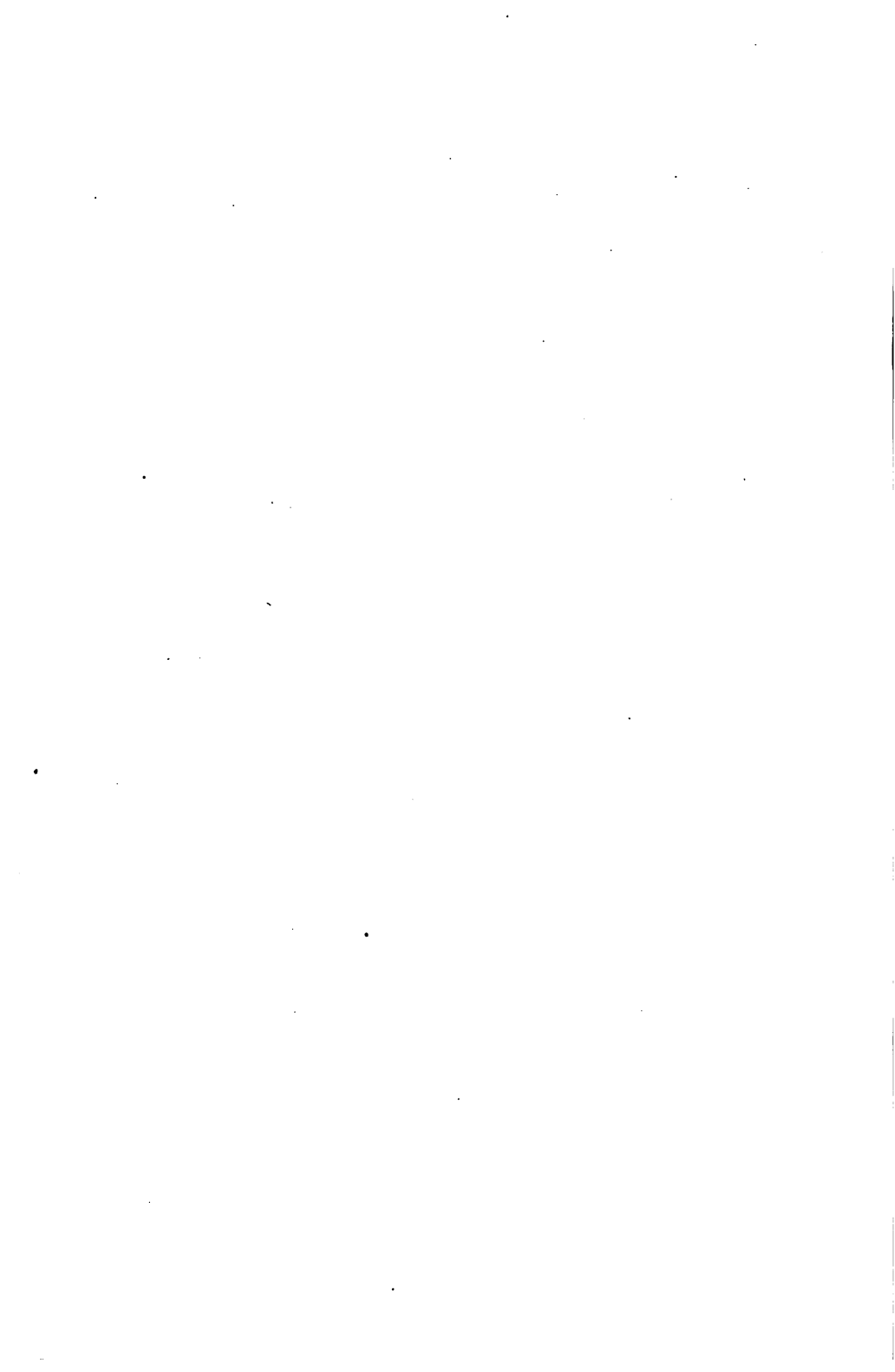
SUPERIOR COURT OF NORTH CAROLINA.

Geo. H. Brown, Jr.,	First District,	Washington.
R. B. Peebles,	Second District,	Jackson.
Henry R. Bryan,	Third District,	New Bern.
C. M. Cook,	Fourth District,	Louisburg.
Oliver H. Allen,	Fifth District,	Kinston.
W. R. Allen,	Sixth District,	Goldsboro.
Thomas A. McNeill,	Seventh District,	Lumberton.
Walter H. Neal,	Eighth District,	Laurinburg.
Thos. J. Shaw,	Ninth District,	Greensboro.
B. F. Long,	Tenth District,	Statesville.
E. B. Jones,	Eleventh District,	Winston.
W. A. Hoke,	Twelfth District,	Lincolnton.
W. B. Council,	Thirteenth District,	Hickory.
M. H. Justice,	Fourteenth District,	Rutherfordton.
Frederick Moore,	Fifteenth District,	Asheville.
Garland S. Ferguson,	Sixteenth District,	Waynesville.

U. S. CIRCUIT COURT OF APPEALS—FOURTH DISTRICT.

Chief Justice M. W. Fuller,	Circuit Justice,	Washington, D. C.
Nathan Goff,	Circuit Judge,	Clarksburg, W. Va.
Jeter C. Pritchard,	Circuit Judge,	Asheville, N. C.
John J. Jackson,	Circuit Judge,	Parkersburg, W. Va.
Thomas R. Purnell,	District Judge,	Raleigh, N. C.
James E. Boyd,	District Judge,	Greensboro, N. C.
Edmund Waddell,	District Judge,	Richmond, Va.
Thomas J. Morris,	District Judge,	Baltimore, Md.
William H. Brawley,	District Judge,	Charleston, S. C.
H. C. McDowell, Jr.,	District Judge,	Big Stone Gap Va.

Total, - - 31.



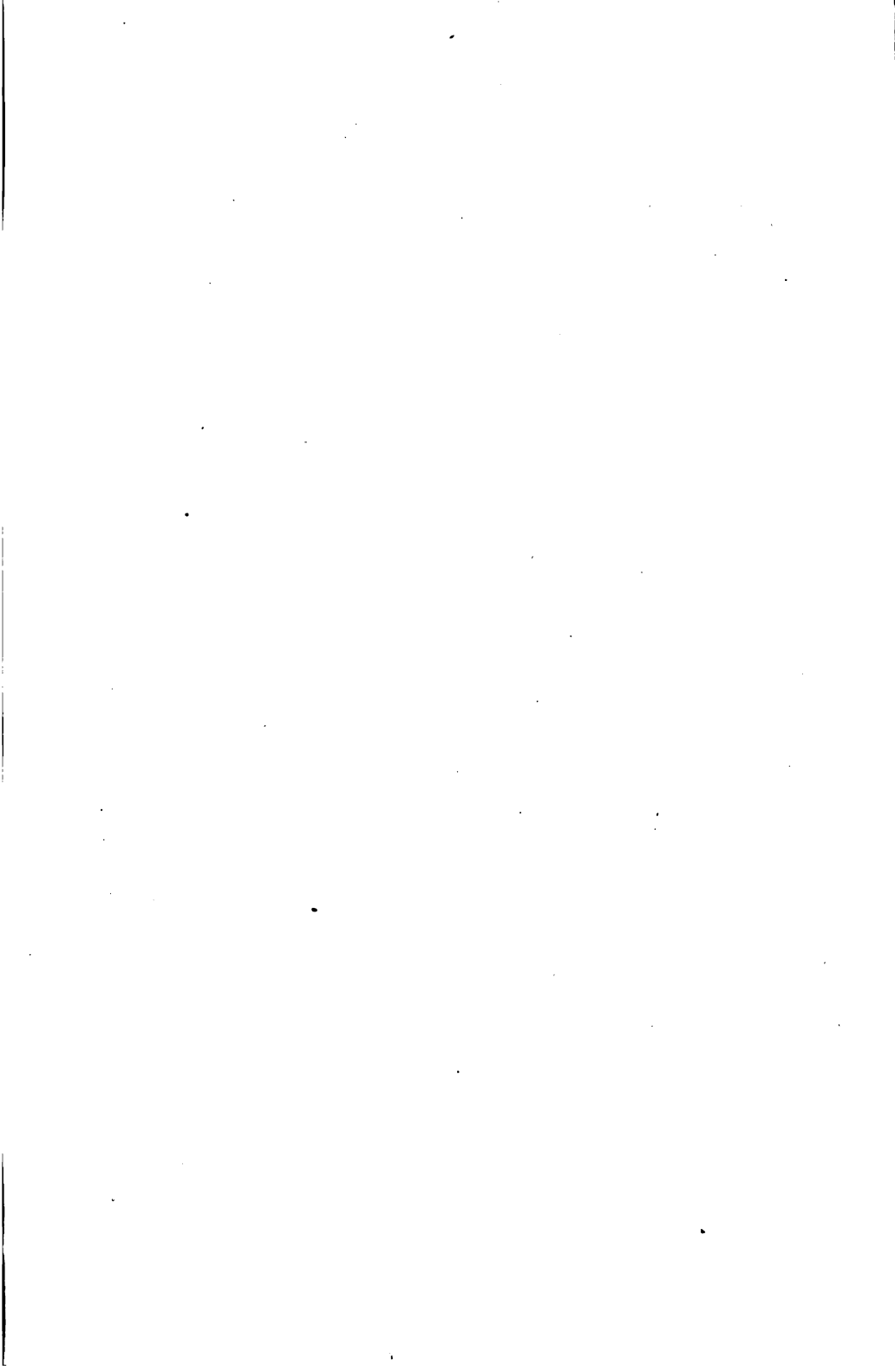
INDEX.

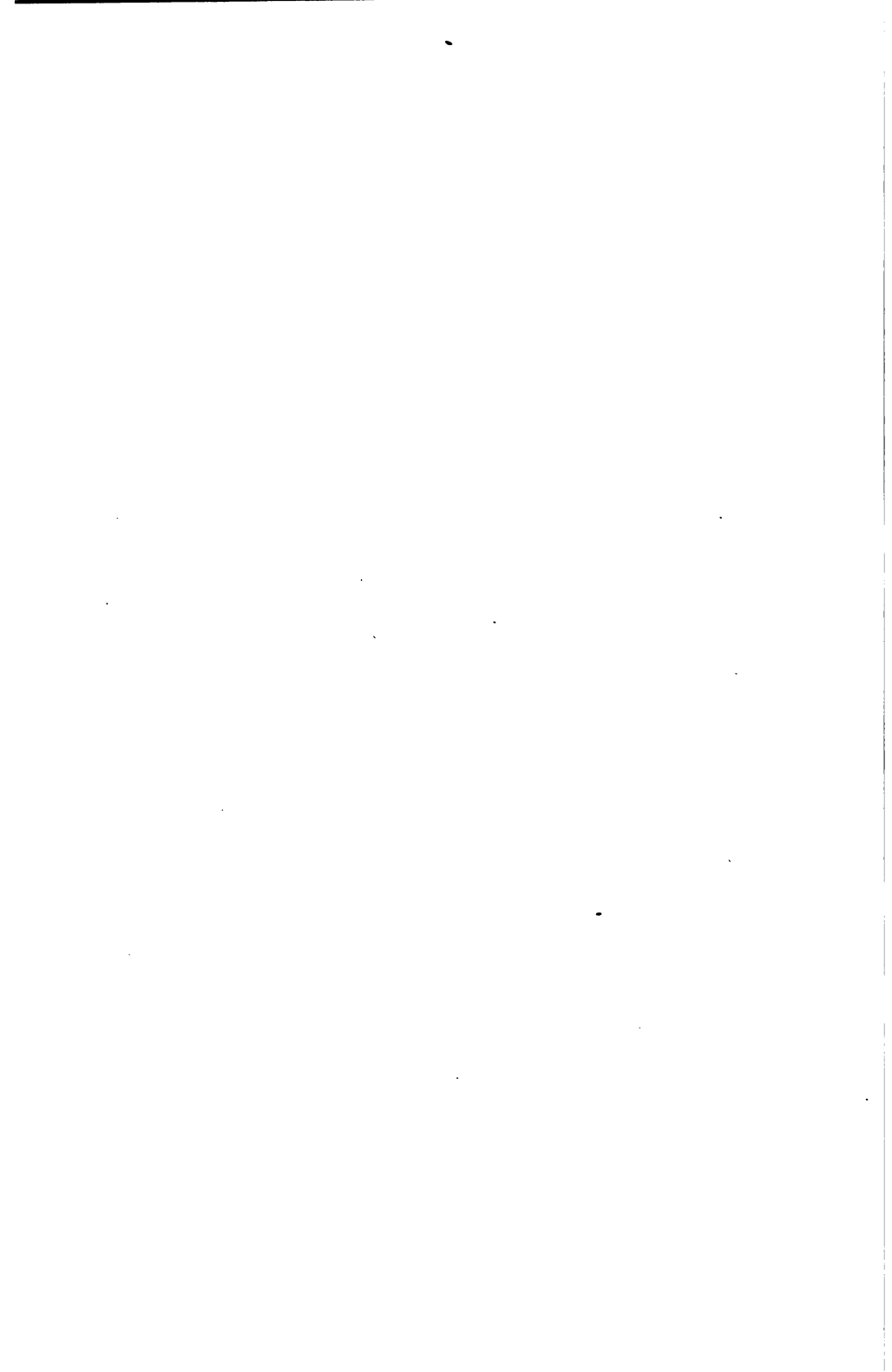
	PAGE
Active Members	159
Address—Of Burton Smith.....	86
Of J. C. Martin	112
Of R. C. Strudwick	103
Of Welcome.....	69
In Response	78
Admission Fees	140
Admissions to Membership—Report of Committee on	56
Members of.....	156
Annual Address.....	86
Annual Dues.....	140
Annual Report—Of Committee on Admissions to Membership.....	56
Of Executive Committee	55
Of Committee on Legislation and Law Reform.....	59, 64
Of Secretary.....	49
Of Treasurer	51
Of Auditing Committee	54
Appendix.....	67
Applicants for License—Resolution as to	42
Auditing Committee—Report of.....	54
Members of.....	158
Avery, A. C.—Motion by	41
Remarks by	43
Biggs, J. Crawford—Re-elected Secretary and Treasurer	37
Report of Secretary-Treasurer.....	49
Motion by.....	31, 38, 39, 44
Board of Law Examiners	42
Bourne, L. M.—Motion by.....	16, 20
Remarks by	25
Brenizer, Chase—Welcome by	69
By-Laws	130
Challenges—Resolution as to	16
Clement, L. H.—Submits Report.....	35
Code of Legal Ethics.....	143
Committees—Reports of.....	46
Admissions to Membership, Report of.....	56
Executive Committee, Report of.....	55
To Audit Accounts of Treasurer, Members of.....	158
To Audit Accounts of Treasurer, Report of.....	54

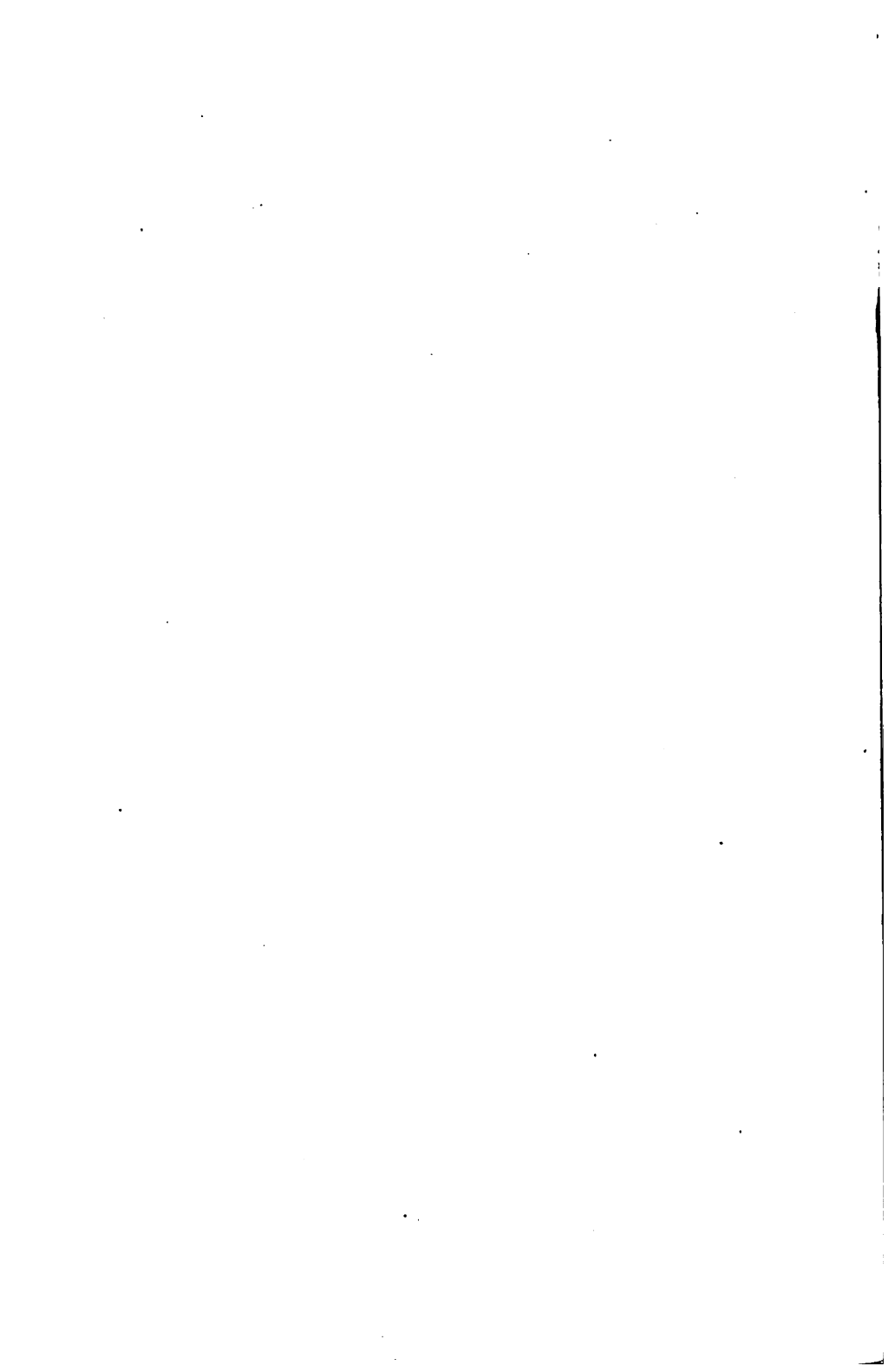
Committees—To Recommend Officers, Members of.....	158
To Recommend Officers, Report of.....	66
Executive Committee	155
On Admissions to Membership, Members of.....	156
On Judiciary, Members of.....	156
On Legislation and Law Reform, Report of.....	59, 64
On Legislation and Law Reform, Members of.....	156
On Legal Education and Admission to the Bar	157
On Legal Ethics, Members of	157
On Grievances, Members of.....	157
On Memorials, Members of.....	157
On Publications, Members of	158
On Uniform State Laws, Members of.....	158
Standing, Members of.....	156
Special, Members of.....	158
Congress of Lawyers	13, 158
Constitution	125
Crisp, B. G.—Remarks by	6
Delegates to Congress of Lawyers.....	158
Disbarment of Attorneys—Resolution as to.....	64
Dues—Annual.....	140
Dunn, W. A.—Remarks by	18
Submits Report.....	64
Election—Of President	36
Of Secretary-Treasurer.....	37
Of Vice-Presidents.....	35, 66
Of Members of Executive Committee	35, 66
Ethics—Code of.....	143
Executive Committee—New Members Elected.....	35, 66
Remarks of Chairman	3
Report of.....	55
Members of.....	155
Exemption from Jury Service	12, 15
Feimster, W. C.—Remarks by.....	26
Fuller, Jones—Remarks by.....	26
Graham, J. W.—Motion by.....	31, 42
Grievances—Committee on.....	157
Guthrie, T. C.—Remarks by.....	15
Hartsell, L. T.—Remarks by.....	30
Hicks, A. A.—Submits Report.....	10
Remarks by.....	22
Honorary Members	169
Introduction—Of Burton Smith.....	10
John, M. L.—Remarks by.....	20, 21, 24, 30, 38, 39
Motion by	11, 37

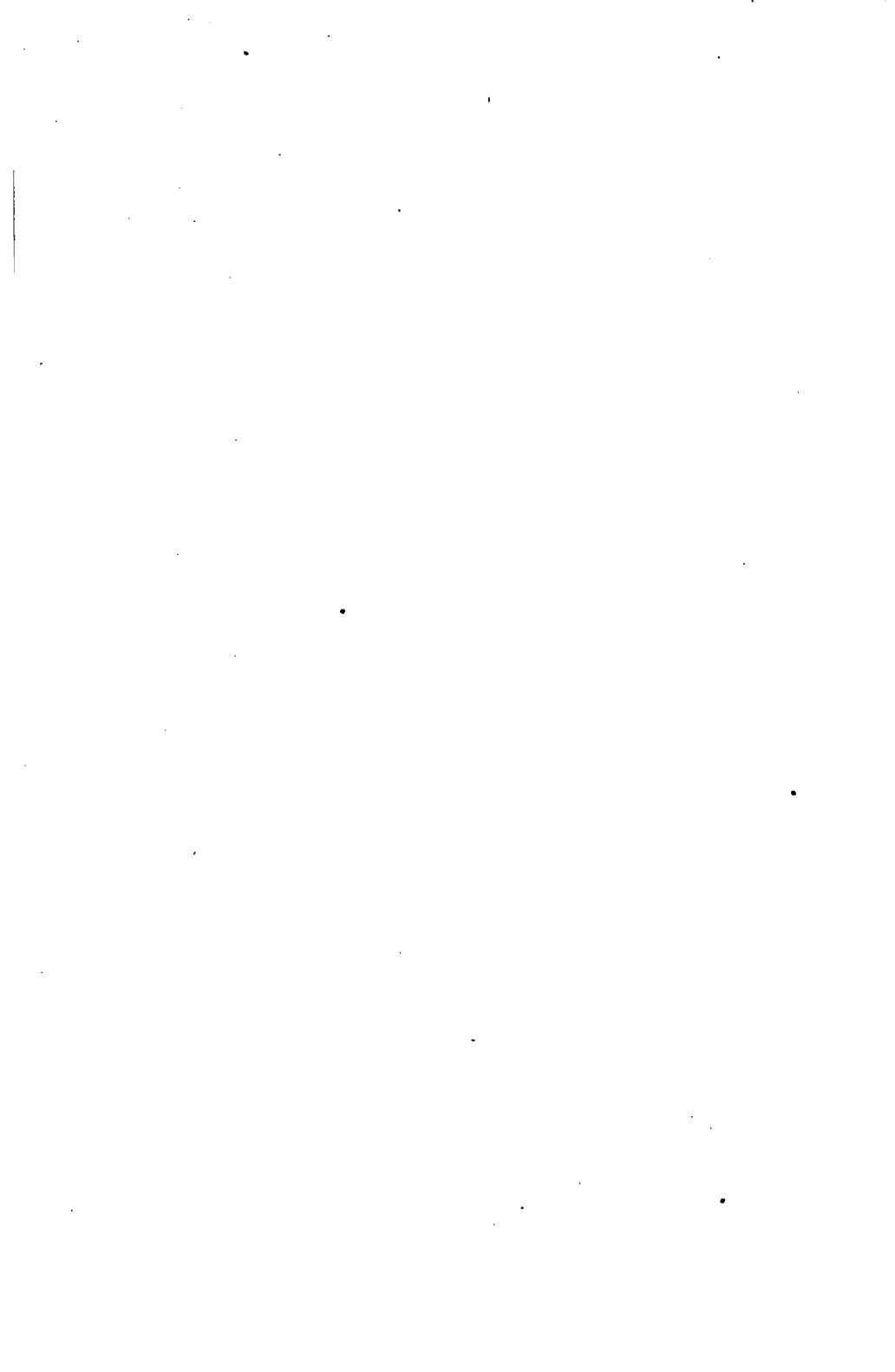
Jones, H. C.—Remarks by	17, 19, 21, 29, 37, 41
Elected President	36
Judiciary Committee.....	156
Jury Duty—Resolution as to.....	12
Law and Lawyers in Washington State	103
Law Journal—Report as to	65
Law Examiners—Board of, Report as to	42
Legal Ethics—Committee on	157
Code of.....	143
Legislation and Law Reform—Committee on	156
Report of.....	59, 64
Resolutions Referred to	64
Legal Education and Admission to Bar—Committee on	157
MacRae, J. C.—Remarks by.....	13
Motion by.....	37
Manly, Clement—Remarks by.....	7, 15, 20, 21, 22, 27, 36
Submits Report	33
Motion by	12
Married Women—Rights of.....	6, 34, 39, 45
Martin, E. S.—Remarks by.....	14
Martin, J. C.—Address of.....	112
Remarks by	41
Motion by	43
Memorials—Members of Committee on	157
Members—Roll of Active.....	159
Roll of Honorary.....	169
Roll of New.....	56
Ministers, Exemption of.....	25
Murphy, Walter—Makes Report	5, 12
Motions	6, 11, 16, 35, 38, 44
New Members.....	56
Nunn, R. A.—Remarks by	39
Officers for 1904-1905.....	155
Pruden, W. D.—Remarks by	4
Publications—Committee on, Members of	158
Reports of Committees	46
Report—Of Executive Committee.....	55
Of Secretary	49
Of Treasurer.....	51
Of Committee to Recommend Officers.....	66
Of Committee on Legal Ethics.....	57
Of Committee on Admissions.....	56
Of Committee to Audit Accounts of Treasurer.....	54
Of Committee on Legislation and Law Reform	59, 64
Resignations—Method of.....	141
Resolutions	6, 11, 16, 35, 38, 44

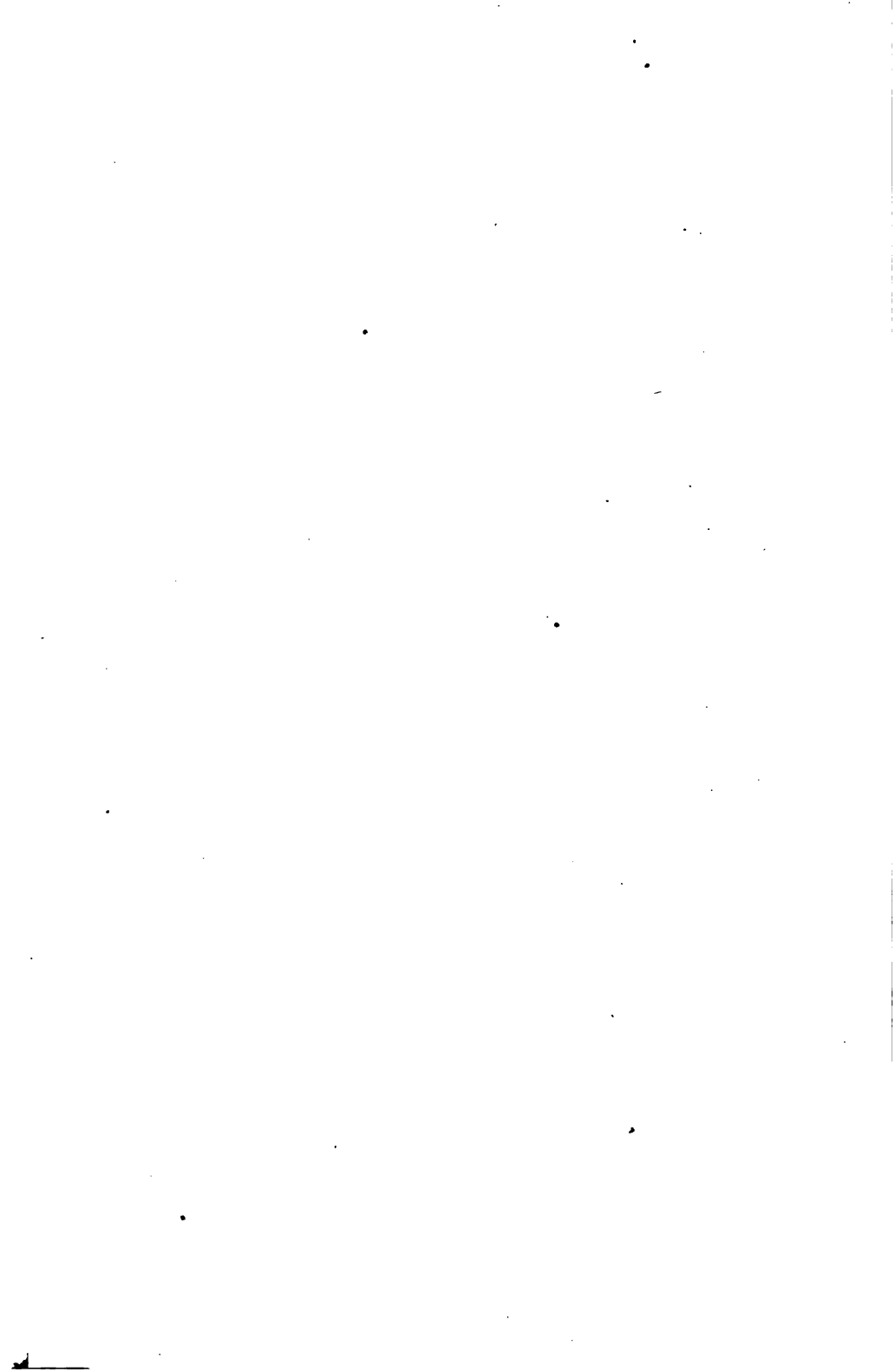
Response to Welcome.....	78
Roll of Members—Active.....	159
Honorary.....	169
Secretary—Report of.....	49
J. Crawford Biggs, Re-elected.....	38
Smith, Burton—Annual Address of.....	86
Smith, D. B.—Reads Address of Welcome.....	4
Smith, L. L.—Remarks by.....	19
Motion by.....	45
Southern Manufacturers' Club—Invitation from.....	15
Special Committees.....	158
Standing Committees.....	156
Strudwick, R. C.—Address of.....	103
Supervision of Quasi Public Corporations.....	112
Supreme Court Reports—Publication of.....	11, 33, 38
Tillett, Chas. W.—Remarks by.....	7
Motion by.....	6
Treasurer—Elected.....	37
Report of.....	61
Uniform State Laws—Committee on.....	158
Universal Congress of Lawyers—Invitation to.....	13
Vice-Presidents—Elected.....	35, 66
List of.....	155
Walser, Z. V.—Submits Report.....	10, 35
Remarks by.....	39
Warren, C. F.—Remarks by.....	17, 31
Welcome—Address of.....	69
When Conquest Is a Duty—Address.....	86
Winbourne, B. B.—Motion by.....	16, 36
Remarks by.....	22
Winston, R. W.—Remarks by.....	12, 21
Response by.....	78
Womack, T. B.—Submits Report.....	59
Woodard, F. A.—Remarks by.....	3











Stanford Law Library



3 6105 063 594 860



